

IN THE COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

02 SEP 17 PM 12:03

CLERK OF COURTS
OFFICE
MONTGOMERY COUNTY
PENNSYLVANIA

IN THE MATTER OF THE APPLICATION :
OF D. MICHAEL FISHER, ATTORNEY :
GENERAL OF THE COMMONWEALTH OF :
PENNSYLVANIA FOR AN ORDER :
REQUIRING AN INTERNET SERVICE :
PROVIDER TO REMOVE OR DISABLE :
ACCESS TO CHILD PORNOGRAPHY :

No. MISC 689 Jul 02

**ORDER REQUIRING AN INTERNET SERVICE PROVIDER
TO REMOVE OR DISABLE ACCESS TO CHILD PORNOGRAPHY**

This Court, upon review of the Application of the Attorney General and Affidavit in support thereof and pursuant to Section 7330 of the Pennsylvania Crimes Code, 18 Pa.C.S. §7330, Internet Child Pornography, makes certain findings and enters the following *ex-parte* order:

1. This Court finds that there is probable cause to believe that the items identified as child pornography on "Attachment A" to the Application of the Attorney General, residing on its service and/or accessible to persons subscribing to WorldCom, Inc., an Internet Service Provider, and any of its subsidiaries which are also Internet Service Providers, from an address located within the Commonwealth of Pennsylvania, are in fact child pornography and constitute a violation of Section 6312 of the Pennsylvania Crimes Code, 18 Pa.C.S. §6312 (relating to Sexual Abuse of Children).

2. This Court further finds that there is probable cause to believe that child pornography is located on the Internet at Uniform Resource Locators:

a. <http://www.teen-teen.biz>

- b. <http://free.bigout.com/gallery.html> also identified by the URL
<http://www.free.bigout.com/gallery.html>
- c. <http://www.girlsroom.tuportal.com/two.html>
- d. <http://love.xloli.com/?lusty.xloli.com>
- e. <http://www.terra.es/personal8/jenout/>

3. This Court directs that WorldCom, Inc. deny access to Uniform Resource Locators identified in paragraph 2 above to persons subscribing to WorldCom, Inc., an Internet Service Provider, and any of its subsidiaries which are also Internet Service Providers, from an address located within the Commonwealth of Pennsylvania within five business days of the date of receipt of notification under this Order.

4. The Court further directs the Internet Service Provider WorldCom, Inc., and any of its subsidiaries which are also Internet Service Providers, to remove from their services or disable from access to persons subscribing to said services from an address located within the Commonwealth of Pennsylvania the items identified as child pornography on "Attachment A" to the Application of the Attorney General which reside on and/or are accessible through said services, within five business days of the date of receipt of notification under this Order by WorldCom, Inc.

4. The Court further directs the Attorney General to give notice in writing to WorldCom, Inc. within three business days of receipt of this Order as required by Section 7330(G)(2) of the Pennsylvania Crimes Code, 18 Pa.C.S. §7330(G)(2).

5. The Court further directs WorldCom, Inc. to notify the designated agent of the Attorney General, in writing, that it has complied with:

- a) the Order of this Court; and
- b) the notice served upon it by the Attorney General;

within five business days of said compliance.

6. The Court further finds that the request of the Commonwealth to seal Exhibits 1 through 6 to "Attachment A" of the Application of the Attorney General is reasonable and within the authority of this Court. Therefore the Court Orders that said exhibits be sealed until further Order of this Court.

So Ordered this 17 day of Sept, 2002, at 11:55 A.M.

BY THE COURT:



Lawrence A. Brown J.

IN THE COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY, PENNSYLVANIA
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IN THE MATTER OF THE APPLICATION :
OF D. MICHAEL FISHER, ATTORNEY :
GENERAL OF THE COMMONWEALTH OF :
PENNSYLVANIA, FOR AN ORDER :
REQUIRING AN INTERNET SERVICE :
PROVIDER TO REMOVE OR DISABLE :
ACCESS TO CHILD PORNOGRAPHY :

No. Misc 689 Jul 02

APPLICATION
FOR AN ORDER REQUIRING AN INTERNET SERVICE PROVIDER
TO REMOVE OR DISABLE ACCESS TO CHILD PORNOGRAPHY

AND NOW, comes D. Michael Fisher, Attorney General of the Commonwealth of Pennsylvania, who requests this Honorable Court to issue an order of authorization requiring an Internet Service Provider to remove and/or disable access to child pornography to persons subscribing to said service from an address located within the Commonwealth of Pennsylvania as provided in Section 7330 of the Pennsylvania Crimes Code, 18 Pa.C.S. §7330, based upon the following averments:

1. The applicant is D. Michael Fisher, the Attorney General of the Commonwealth of Pennsylvania. The authority under which the Attorney General is making this Application is Section 7330(E) of the Pennsylvania Crimes Code, 18 Pa.C.S. §7330(E).
2. The identity of the investigative or law enforcement officer that has in the official scope of his duties discovered child pornography items is Special Agent Harry J. Marnie, employed by the Office of Attorney General, Commonwealth of Pennsylvania, at Norristown (West Norriton Township), Montgomery County, Pennsylvania.

3. Special Agent Harry J. Marnie has prepared an Affidavit, which is attached to this Application, incorporated herein by reference, and labeled as "Attachment A," establishing probable cause to believe that items residing on or accessible through WorldCom, Inc., an Internet Service Provider, constitute a violation of Section 6312 of the Pennsylvania Crimes Code, 18 Pa.C.S. §6312 (relating to Sexual Abuse of Children).

4. Special Agent Marnie's Affidavit also reveals that WorldCom, Inc. has hundreds of wholly owned subsidiaries at least one of which is also an Internet Service Provider.

5. The uniform resource locators (URL's) at which access to such items was made are:

- a. <http://www.teen-teen.biz>
- b. <http://free.bigout.com/gallery.html> also identified by the URL
<http://www.free.bigout.com/gallery.html>
- c. <http://www.girlsroom.tuportal.com/two.html>
- d. <http://love.xloli.com/?lusty.xloli.com>
- e. <http://www.terra.es/personal8/jenout/>

6. The identity of the Internet Service Provider used by Special Agent Harry J. Marnie is WorldCom, Inc.

7. The contact information for the person authorized by the Applicant to submit notification to WorldCom, Inc., an Internet Service Provider, and any of its subsidiaries which are also Internet Service Providers, is:

John J. Burfete, Jr.
Chief Deputy Attorney General
Computer Forensics Section
Office of Attorney General of Pennsylvania
2490 Boulevard of the Generals
Norristown, PA 19403
610-631-6208 (voice)
jburfete@attorneygeneral.gov

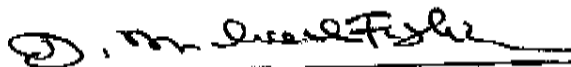
8. The Commonwealth believes and avers that it would be in the best interest of the minors whose images are depicted on Exhibits 1 through 6 to "Attachment A", to seal said Exhibits. Said depictions are contraband *per se* and show explicit sexual activity involving the minors and/or the female breast, and/or the female or male genital or buttocks area of the minors depicted in a lewd and lascivious manner. To expose the depictions of the minors other than to law enforcement personnel or the Court could result in extreme embarrassment and humiliation to the minors involved.

WHEREFORE, the Commonwealth respectfully prays that this Court issue an Order of authorization requiring WorldCom, Inc., an Internet Service Provider, and any of its subsidiaries which are also Internet Service Providers, to remove the child pornography items residing on their service and/or disable access to said child pornography items on the Internet at uniform resource locators:

- a. <http://www.teen-teen.biz>
- b. <http://free.bigout.com/gallery.html> also identified by the URL
<http://www.free.bigout.com/gallery.html>
- c. <http://www.girlsroom.tuportal.com/two.html>
- d. <http://love.xloli.com/?lusty.xloli.com>
- e. <http://www.terra.es/personal8/jenout/>

to persons subscribing to said services from an address located within the Commonwealth of Pennsylvania. Further the Commonwealth prays that Exhibits 1

through 6 to "Attachment A" to this Application be sealed until further Order of the Court.



D. MICHAEL FISHER
Attorney General of the
Commonwealth of Pennsylvania
16th Floor Strawberry Square
Harrisburg, PA 17120

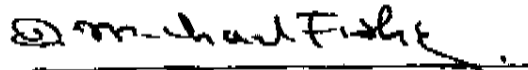
717-787-3391

Attorney I.D. No. 00563

COMMONWEALTH OF PENNSYLVANIA :
: 55
COUNTY OF MONTGOMERY :

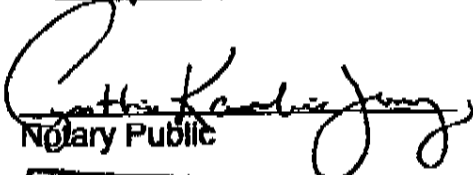
AFFIDAVIT

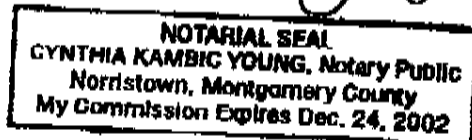
Before me, the undersigned official, personally appeared D. Michael Fisher who being by me first duly sworn did depose and say that the facts set forth in the foregoing Application are true and correct to the best of his knowledge, information and belief.



D. Michael Fisher
Attorney General of the
Commonwealth of Pennsylvania

Sworn to and subscribed
before me this 13th day
of September, 2002.


Notary Public



4. Uniform Resource Locator (hereinafter URL): The address of a file (resource) accessible on the Internet. The type of resource depends on the Internet application protocol. Using Hypertext Transfer Protocol (HTTP), which is the World Wide Web's Internet protocol, the resource can be a Hyper Text Markup Language (HTML) page, an image file, a program, or any other file supported by HTTP. The URL contains the name of the protocol required to access the resource, a domain name that identifies a specific computer on the Internet, and a hierarchical description of a file location on the computer. On the World Wide Web, an example of a URL is the OAG URL: <http://www.attorneygeneral.gov/fisher/welcome.cfm>, which describes a Web page to be accessed with an HTTP application (i.e., a Web browser such as Internet Explorer or Netscape) that is located on a computer named www.attorneygeneral.gov. The specific file is in the directory named [fisher/welcome.cfm](http://www.attorneygeneral.gov/fisher/welcome.cfm).

5. World Wide Web (hereinafter WWW or the Web): The most widely used part of the Internet, its outstanding feature is hypertext, a method of instant cross-referencing. On most Web sites, certain words or phrases appear in text of a different color than the rest; often this text is also underlined. When you select one of these words or phrases, you will be transferred to the site or page that is relevant to this word or phrase. Sometimes there are buttons, images, or portions of images that are "clickable." If you move the pointer over a spot on a Web site and the pointer changes into a hand, this indicates that you can click and be transferred to another site.

6. IP Number Address: A four-part number separated by periods or "dots" (for example, 207.103.198.176 is the IP number address for www.attorneygeneral.gov) that uniquely identifies a computer on the Internet. Every computer on the Internet has a unique IP number; if a computer does not have an IP number, it is not really on the Internet. Most computers also have one or more domain names that are easier for people to remember.

7. Domain Name: The unique name that identifies an Internet site. A given computer may have more than one domain name, but a given domain name points to only one computer. For example, attorneygeneral.gov is a domain name.

On various dates in July, August, and September 2002, your Affiant was searching the Internet investigating for violations of 18 Pa.C.S. §7330 from his office in West Norriton Township, Montgomery County, PA. Your Affiant was using the ISP WorldCom, Inc.

From information provided at its Web site on the Internet at URL <http://www.worldcom.com>, your Affiant knows that WorldCom, Inc. is a multi-faceted provider of telecommunication services. Among other services, it offers access to the Internet for a paid subscription. Therefore, WorldCom, Inc. is an ISP. Prior to all dates on which your Affiant accessed the Internet through the ISP WorldCom, Inc., the OAG subscribed with WorldCom, Inc. to obtain paid Internet access service. This subscription has been continuously active at all times relevant to this Affidavit. On the following dates using the ISP WorldCom, Inc. subscription, your Affiant was searching the Web for child pornography sites. The following Web sites were accessed:

1. On July 3, 2002 at the URL <http://www.teen-teen.biz>, your Affiant observed multiple frontal depictions of two totally nude and one partially nude female. Two depictions showed the female's genital and breast areas. In the opinion of your Affiant, based on his observation of the depictions, the females depicted are under 18 years of age, more specifically young female children. It is further your Affiant's opinion that the depictions are not accessible at that URL for any bona fide educational, scientific, governmental, or judicial purpose, but rather for the sexual stimulation or gratification of any person who might view the depictions. That opinion is supported by the language on the Web page itself: "Exclusive photos girls from 14 y.o. (years old) 4800+ photos". In addition, the advertising on the Web site for Lolita Videos is a clear indication that there is indeed no bona

bona fide educational, scientific, governmental, or judicial purpose for these depictions. "Lolita" is a well-known word in the child pornography lexicon used to indicate young females. Your Affiant made a print out of the Web page at URL <http://www.teen-teen.biz>. Additionally, SSA Dennis Guzy made a printout which is attached hereto and incorporated herein by reference as "Exhibit 1".

2. On July 5, 2002 at the URL <http://free.bigout.com/gallery.html>, your Affiant observed frontal depictions of fifteen partially nude females on page 1 of 2. All depictions showed the females' breast areas and several showed parts of the female's pubic area. In the opinion of your Affiant, based on his observation of the depictions, the females depicted are under 18 years of age. It is further my opinion that the depictions are not accessible at that URL for any bona fide educational, scientific, governmental, or judicial purpose, but rather for the sexual stimulation or gratification of any person who might view the depictions. That opinion is supported by the language on page 1 of the Web page itself: The caption on the top depictions on the Web site "Exclusive Really Little Virgin Free Tour" is a clear indication that there is indeed no bona fide educational, scientific, governmental, or judicial purpose for these depictions. Your Affiant made a print out of page 1 of the Web page at URL <http://free.bigout.com/gallery.html>. Additionally, SSA Dennis Guzy made a printout of page 1 of the Web page which is attached hereto and

incorporated herein by reference as "Exhibit 2". As revealed on page 2 of

"Exhibit 2", this Web is also identified with the URL

<http://www.free.bigout.com/gallery.html>

3. On August 29, 2002 at URL <http://www.girlsroom.tuportal.com/two.html>, your Affiant observed frontal depictions of two partially nude and two totally nude females at page 1 of 2. All depictions showed the females breast areas and one showed the female pubic area. In the opinion of your Affiant, based on his observation of the depictions, the females depicted are under 18 years of age. It is further my opinion that the depictions are not accessible at that URL for any bona fide educational, scientific, governmental, or judicial purpose, but rather for the sexual stimulation or gratification of any person who might view the depictions. Your Affiant made a print out of page 1 of the Web page at URL <http://www.girlsroom.tuportal.com/two.html>. Additionally, SSA Dennis Guzy made a printout of page 1, which is attached hereto and incorporated herein by reference as "Exhibit 3."

4. On August 26, 2002 at the URL

<http://www.terra.es/personal9/xxxwm2002/00000/p.htm>, your Affiant observed numerous depictions of nude females, a nude male and partial depictions of the pubic area of numerous males on three Web pages. Some depictions showed the females' breast areas and several showed parts of the females' pubic area. All depictions of the males showed their erect penises. In

addition, most of these depictions showed females performing oral sex, and/or having sexual intercourse. In the opinion of your Affiant, based on his observation of the depictions, the females depicted are under 18 years of age. It is further my opinion that the depictions are not accessible at that URL for any bona fide educational, scientific, governmental, or judicial purpose, but rather for sexual stimulation or gratification of any person who might view the depictions. That opinion is supported by the language on the Web itself: The title on page 1 of the Web site "Pedo Land", a reference to pedophilia, as well as the statement, "This the largest illegal collection on the net! You'll forget about all other bullshit CP sites which only promise you something...We'll give everything you need and what was promised." are clear indications that there is indeed no bona fide educational, scientific, governmental, or judicial purpose for these depictions. Your Affiant made a print out of three Web pages at URL <http://www.terra.es/personal9/xxxwm2002/00000/p.htm>. Additionally, SSA Dennis Guzy made a printout of the three Web pages, which are attached hereto and incorporated herein by reference as "Exhibit 4a", "Exhibit 4b", and "Exhibit 4c".

5. On August 29, 2002, at URL <http://love.xloli.com/?lusty.xloli.com>, your Affiant observed depictions of numerous nude females and some males on four of five pages at that Web site. Most depictions showed the females breast areas

and the female's pubic area, as well as the anal area. Many depicted sexual acts between males and females. In the opinion of your Affiant, based on his observation of the depictions, the females depicted are under 18 years of age. It further my opinion that the depictions are not accessible at that URL for any bona fide educational, scientific, governmental, or judicial purpose, but rather for sexual stimulation or gratification of any person who might view the depictions. Your Affiant made a print out of the four Web pages at URL <http://love.xloli.com/?lusty.xloli.com>. Additionally, SSA Dennis Guzy made a printout of the four Web pages which are attached hereto and incorporated herein by reference as "Exhibit 5a", "Exhibit 5b", "Exhibit 5c", and "Exhibit 5d".

6. On August 29, 2002, at URL <http://www.terra.es/personal8/jenout/>, on four Web pages, your Affiant observed numerous depictions of males and females nude and partially nude. The depictions showed the males and females engaging in various sexual acts. In the opinion of your Affiant, based on his observation of the depictions, the males and females depicted are under 18 years of age. It is further my opinion that the depictions are not accessible at that URL for any bona fide educational, scientific, governmental, or judicial purpose, but rather for sexual stimulation or gratification of any person who might view the depictions. That opinion is supported by the language on the Web site itself: The title on page 1 of the Web site "Corruption of Innocen[ts]" as well as the statements "Preteen

Lesbians", "Gay Little Boys", and "Child Porn Videos" are clear indications that there is indeed no bona fide educational, scientific, governmental, or judicial purpose for these depictions. Your Affiant made a print out of the four Web pages at URL <http://www.terra.es/personal8/jenout>, including <http://www.terra.es/personal8/jenout/bdsm.htm>, <http://www.terra.es/personal8/jenout/dads.htm>, and <http://www.terra.es/personal8/jenout/gay.htm>. Additionally, SSA Dennis Guzy made a printout of the four Web pages which are attached hereto and incorporated herein by reference as "Exhibit 6a", "Exhibit 6b", "Exhibit 6c", and "Exhibit 6d".

Additionally, I have been advised by my supervisor, Senior Supervisory Agent (SSA) Dennis Guzy of the Child Sexual Exploitation Unit, that he has presented the depictions identified herein on Exhibits 1 through 6d to Earl F. Greenwald, M.D., Medical Director, Children's Resource Center, 2645 North 3rd Street, Harrisburg, PA 17110. Dr. Greenwald's *curriculum vitae* is attached hereto and incorporated herein by reference as "Exhibit 7". Dr. Greenwald has prepared a report in which he renders his opinion to a reasonable degree of medical certainty that the ages of persons depicted on Exhibits 1 through 6 are under 18. Dr. Greenwald's report is attached hereto and incorporated herein by reference as "Exhibit 8".

Previously, WorldCom, Inc. advised the OAG that Craig Silliman, Esquire, was the person at WorldCom, Inc. to whom notices under 18 Pa.C.S. §7330 should be sent,

and also provided an address for attorney Silliman. On July 16, 2002, your Affiant sent Informal Notices of Child Pornography regarding Exhibit 1 as well as for five additional alleged child pornography sites which are no longer accessible, to attorney Silliman at WorldCom Network and Facilities Legal Team, 22001 Loudon County Parkway, Building E-1, Room 3-608, Ashburn, VA 20147 via certified United States mail, return receipt requested. On July 18, 2002, your Affiant sent an additional three Informal Notices to WorldCom regarding other alleged child pornography web sites which also are no longer accessible. These Informal Notices advised WorldCom, Inc. that it had five business days to deny access to the URL <http://www.teen-teen.biz> to its subscribers residing in Pennsylvania. The United States mail return receipts were received by OAG. Copies of the nine Informal Notices are attached hereto and incorporated herein by reference as "Exhibit 9".

On July 25, 2002, your Affiant received an e-mail communication from attorney Silliman which in part stated that WorldCom, Inc. would not deny access to the URL's based on the Informal Notices. A copy of Attorney Silliman's e-mail communication is attached hereto and incorporated herein by reference as "Exhibit 10".

On September 12, 2002, your Affiant, using the ISP WorldCom, Inc., revisited the Web sites at which Exhibits 1 through 6 were accessed. The depictions on Exhibits 1, 2, 3, 5, and 6 were still accessible. The URL <http://www.terra.es/personal9/xxxwm2002/00000/p.htm>, represented by "Exhibit 4" was not accessible this date.

Additionally, your Affiant has determined that WorldCom, Inc. operates more than one ISP under its corporate umbrella. For example, at the URL <http://www1.worldcom.com/uunet/>, an ISP named UUNet holds itself out to be "A WorldCom Company" which provides "High quality Internet access..." CDAG Burfete advised your Affiant that at the federal Security and Exchange Commission (SEC) Web site <http://www.sec.gov>, he has reviewed a 2002 SEC form 10-K405 filing by WorldCom, Inc. which lists hundreds of named subsidiaries including UUNet. Footnotes to the SEC filing indicate: (1) All subsidiaries are 100% owned by parent or other subsidiary unless otherwise designated; and (2) Certain of the subsidiaries of the Company conduct business under portions of their full name or acronyms of their full name. UUNet is not otherwise designated on the report.

Accordingly, your Affiant states that based upon all the above facts, there is probable cause that the items accessible on the Internet at URL's:

<http://www.teen-teen.biz>,

<http://free.bigout.com/gallery.html> also identified with the URL

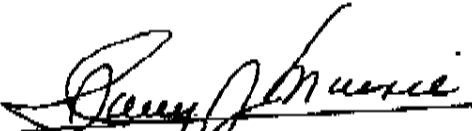
<http://www.free.bigout.com/gallery.html>

<http://www.girlsroom.tuportal.com/two.html>,

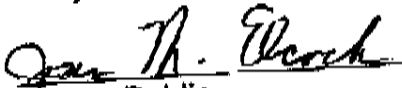
<http://love.xloli.com/?lusty.xloli.com>

<http://www.terra.es/personal8/jenout/>

using ISP WorldCom, Inc., are child pornography in violation of 18 Pa.C.S. §6312.


Harry J. Mann

Sworn to and subscribed
before me this 12th day
of September, 2002.


Notary Public

NOTARIAL SEAL
JOAN M. ELCOCK, Notary Public
West Norriton Twp., Montgomery Co., PA
My Commission Expires May 17, 2005