

0537956

23 CF 1102 MB

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FL Const. Art 1 § 16(b)

OBTS Number		ARREST / NOTICE TO APPEAR				1. Arrest <input type="checkbox"/> 3. Request for Warrant <input type="checkbox"/>		Juvenile <input type="checkbox"/>		
Agency ORI Number FL0500000		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE				Agency Report Number 06-22-250119		2. N.T.A. <input type="checkbox"/> 4. Request for Capias <input type="checkbox"/>		
Charge Type: Check as many as apply		<input checked="" type="checkbox"/> 1. Felony		<input type="checkbox"/> 3. Misdemeanor		<input type="checkbox"/> 5. Ordinance		Weapon Seized/Type 1. Yes 2. No 2		
<input type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 4. Traffic Misdemeanor		<input type="checkbox"/> 6. Other		Multiple Clearance Indicator 01				
Location of Arrest (Including Name of Business) 9180 Nickels Blvd. Boynton Beach, FL 33436					Location of Offense (Business Name, Address) 9180 Nickels Blvd. Boynton Beach, FL 33436					
Date of Arrest 02/03/2023		Time of Arrest 0730		Booking Date 02/03/2023		Booking Time		Jail Date		
Jail Time		Location of Vehicle		Name (Last, First, Middle) Tyson, Brian, Michael		Alias (Name, DOB, Soc. Sec. #, Etc)				
Race W - White I - American Indian W B - Black O - Oriental/Asian		Sex M		Date of Birth 03/19/1989		Height 5'8"		Weight 180		
Eye Color Brown		Hair Color Brown		Complexion Light		Build Thin		Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)		
Marital Status Single		Religion Catholic		Indication of Alcohol Influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> Unk		Drug Influence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> Unk		Residence Type 1. City 2. County 3. Florida 4. Out of State 2		
Local Address (Street, Apt. Number) 9180 Nickels Blvd		(City) Boynton Beach		(State) FL		(Zip) 33436		Phone (561) 702-8132		
Permanent Address (Street, Apt. Number) Same as Local		(City)		(State)		(Zip)		Address Source DL		
Business Address (Street, Apt. Number) 1686 D Road		(City) Loxahatchee		(State) FL		(Zip) 33470		Occupation Estimator		
D/L Number, State T250-073-89-099-0		Soc. Sec. Number		INS Number		Place of Birth Boynton Beach, FL		Citizenship U.S.		
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile		
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		<input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 6. Other		
<input type="checkbox"/> Parent Name (Last) (First) (Middle)		Residence Phone		<input type="checkbox"/> Legal Custodian		<input type="checkbox"/> Other		Address (Street, Apt. Number) (City) (State) (Zip) Business Phone		
Notified by (Name)		Date		Time		Juvenile Disposition 1. Handled/Processed within Dept. and Released		2. TOT HRS/CYF 3. Incarcerated		
Released To: (Name)		Relationship		FCIC/NCIC		Date		Time		
The above address was provided by defendant and/or defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office informed of any change of address		Yes, by (Name)		No (Reason)		School Attended		Grade		
Recovery Information 0. N/A 1. Voluntary 2. Located Not Returned 3. Hospitalized 4. HRS Custody 5. Law Enforcement Custody 6. Returned to Parent 7. Deceased 8. Other										
Drug Activity S Sell R Smuggle K Dispense M Manufacture Z Other N N/A B Buy D Deliver Produce/Cultivate P Possess T Traffic E Use		Drug Type N N/A A. Amphetamine B Barbituate C Cocaine E. Heroin H Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/Equipment S. Synthetic U Unknown Z. Other		Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number 827.071(5)		Violation of ORD #		Bond
Charge Description Possession of Sexual Performance by a Child		Counts 2		Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number 827.071(5)		Violation of ORD #		
Drug Activity N		Drug Type N		Amount/Unit		Offense # 22-250119		Warrant/Capias Number		
Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #		
Drug Activity		Drug Type		Amount/Unit		Offense # 22-250119		Warrant/Capias Number		
Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #		
Drug Activity		Drug Type		Amount/Unit		Offense # 22-250119		Warrant/Capias Number		
Charge Description		Counts		Domestic Violence		Statute Violation Number		Violation of ORD #		
Drug Activity		Drug Type		Amount/Unit		Offense # 22-250119		Warrant/Capias Number		
Instruction No. 1 Mandatory Appearance in Court		Location (Court, Room Number, Address) Criminal Justice Complex, 3228 Gun Club Road, West Palm Beach, FL 33406 - Ph: (561)-688-4600								
Instruction No. 2 You need not appear in Court but must Comply with instructions on reverse side		Court Date and Time Month Day Year Time A.M. P.M.								
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.										
Signature of Defendant (or Juvenile and Parent/Custodian)					Date Signed					
HOLD for other Agency		Signature of Arresting Officer <i>[Signature]</i>			Name Verification (Printed by Arrestee) (PRINT)					
<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest		Name of Arresting Officer (Print) Det. Malotry Wildove			I.D. # 20525					
<input type="checkbox"/> Suicidal <input type="checkbox"/> Other		Intake Deputy <i>[Signature]</i>			I.D. # 409107					
Agency PBSO		Witness here is subject signed with an "X"			PAGE 1 OF 1					

OBTS Number		PROBABLE CAUSE AFFIDAVIT			1	Juvenile	N
Agency ORI Number FLO 5 0 0 0 0 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE			Agency Report Number 06 - 22-250119		
Charge Type: <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance Check as many <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other as apply.					Special Notes:		
Defendant's Name (Last, First, Middle) Tyso, Brian, Michael					Race W	Sex M	Date of Birth 03/19/1989
Charge Description Possession of Sexual Performace by a Child				Charge Description			
Charge Description				Charge Description			
Victim's Name (Last, First, Middle) STATE OF FLORIDA					Race	Sex	Date of Birth
Victim's Local Address (Street, Apt. Number) (City) (State) (Zip)				Phone		Address Source	
Victim's Business Address (Name, Street) (City) (State) (Zip)				Phone		Occupation	
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody...							
<input type="checkbox"/> committed the below acts in my presence.		<input type="checkbox"/> was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.					
<input type="checkbox"/> confessed to _____ admitting to the below facts.		<input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.					
On the 3rd day of February, 2023 at 07:30 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest).							

Marsey's Law or FL. Const. Art.1 § 16(b)

NARRATIVE:

I am part of a National Task Force known as the South Florida Internet Crimes Against Children (ICAC). This task force investigates internet crimes against children, child exploitation, and related cases. On 10/19/2022, I received National Center for Missing and Exploited Children (NCMEC) Cyber Tip Report #130408034 from the Broward County Sheriff's Office (BSO) South Florida ICAC task force. The Cybertip was reported by the chat application Dropbox in reference to one of their users who uploaded a total of (2) video files which depicted the sexual abuse of a minor female.

Cybertips are investigative leads generated by NCMEC. NCMEC is a non-profit organization that provides services nationwide for families and professionals in the prevention of abducted, endangered, and sexually exploited children. Pursuant to its mission and its congressional authorization (34 USC 11293) NCMEC operates the Cybertip line and Child Victim Identification Programs to assist law enforcement in identifying victims of child pornography and child sexual exploitation. NCMEC works with law enforcement, Internet Service Providers, electronic payment service providers, and others to reduce the distribution of child sexual exploitation images and videos over the Internet. NCMEC forwards reports of child sexual exploitation to law enforcement for the purposes of investigation and disposition.

Dropbox provided the following information:

Incident Type: Child Pornography (possession, manufacture, and distribution)

Incident Time: 08-07-2022 19:17:36 UTC

Description of Incident Time: The incident Date time is set to 24 hours before the report was sent from Dropbox to NCMEC. For example, if we submit a report on "3/14/17 13:30", we will set the incident Date Time to "3/13/17 13:30".

FEB 04 2023

NARRATIVE CONTINUATION

Suspect

Email Address: btyson561@gmail.com (Verified 08-03-2020 02:20:29 UTC)

Screen/User Name: Brian Tyson

ESP User ID: 2922250496

IP Address: 62.197.144.9 (Login)

04-03-2022 19:23:13 UTC

IP Address: 2601:580:4302:21e0:dce0:22f2:cd12:d146 (Login)

04-04-2022 23:18:06 UTC

IP Address: 212.102.61.149 (Login)

05-03-2022 02:45:17 UTC

On the same date, I reviewed the files uploaded by the suspect and confirmed they met the elements of a crime –F.S. 847.0135 Possession of sexual performance by a child.

Below are the names of the files that were uploaded as well as the description of the files.

Filename: VID-20180706-WA0061.mp4

MD5: 450f5431a2fe69a66676fcf150764f83

Did Reporting ESP view entire contents of uploaded file? Yes

Did Reporting ESP view the EXIF of uploaded file? (Information Not Provided by Company)

Were entire contents of uploaded file publicly available? No

Metadata provided separately by ESP for the file? Yes

Image Categorization by ESP: B2- Pubescent Lascivious Exhibition- Any imagery depicting the lascivious exhibition of the anus, genitals, or pubic area of any person, where a minor is engaging in the lascivious exhibition or being used in connection with sexually explicit conduct, which may include but is not limited to imagery where the focal point is on the child's anus, genitals, or pubic area and where the depiction is intended or designed to elicit a sexual response in the viewer.

This file consists of a video that is approximately two minutes and forty-eight seconds in length. The file depicts an identifiable Hispanic female who is only wearing denim shorts. The female's bare chest is exposed. Standing behind the female is fully clothed identifiable Hispanic adult male. The male caresses the female's bare chest, removes her shorts to exposed her bare vagina and buttock. The male rubs the female's vagina with his hand. The female appears to be 11-13 years of age.

Filename: VID-20180705-WA0076.mp4

MD5: 1cd73116e6c6dcd1b50fcf520764bcc5

Did Reporting ESP view entire contents of uploaded file? Yes

Did Reporting ESP view the EXIF of uploaded file? (Information Not Provided by Company)

Were entire contents of uploaded file publicly available? No

Metadata provided separately by ESP for the file? Yes

Image Categorization by ESP: B1- Pubescent Sex act-Any imagery depicting sexual intercourse (including genital-genital, oral genital, anal-genital, or oral-anal whether between person of the same or opposite sex), bestiality, masturbation, sadistic or masochistic abuse, degradation, or any such depiction of the above that lacks serious literary, artistic, political, or scientific value.

This files consists of a video that is two minutes and thirty-seven seconds in length. The word [REDACTED] appears on the screen. The video depicts that same pubescent female from the first video. The female is wrapped in a white towel and is sitting on bed, she removes the towel and exposes her bare body. The female has no breast development and no

NARRATIVE CONTINUATION

pubic hair. An unidentifiable adult male stands over her and she reluctantly performs oral sex on him. The female pulls away from the male, gags and clearly does not enjoy what she is doing based on her facial expression.

The suspect logged in from three IP addresses; IP Address: 62.197.144.9 (Login) 04-03-2022 19:23:13 UTC- this IP address is a Virtual Private Network (VPN), therefore, I will not be able to identify the suspect. IP Address: 212.102.61.149 (Login) 05-03-2022 02:45:17 UTC- This IP address is also a Virtual Private Network (VPN). IP Address: 2601:580:4302:21e0:dce0:22f2:cd12:d146 (Login) 04-04-2022 23:18:06 UTC – The service provider for this IP address is Comcast (out of records retention period).

On 10/27/2022, a search warrant was served to Dropbox to obtain additional information within the suspect's account.

The Dropbox search warrant results indicated the suspect user logged into their Dropbox account utilizing IP address 2601:580:4302:21e0:45b:3c32:1975:cab1 on 08-07-2022 at 15:32:08. This is within Comcast's record retention period.

Dropbox also provided over 1 Terabyte of data preserved by the suspect. The stored files within the suspect's account consisted of adult pornography, anime depicting the sexual abuse of children and files depicting child sexual exploitation material.

On 01/20/2023, I received subpoena results from Comcast Internet Services. Comcast indicated the subscriber of the suspect's login IP 2601:580:4302:21e0:45b:3c32:1975:cab1 to be:

Subscriber Name: BRIAN TYSON
Service Address: 9180 NICKELS BLVD
BOYNTON BEACH, FL 334362766
Billing Address: 9180 NICKELS BLVD
BOYNTON BEACH, FL 33436
Telephone #: (561) 702-8132
Identified Service: Internet
E-mail User Ids: brian_tyson@comcast.net

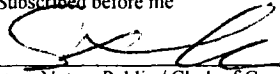
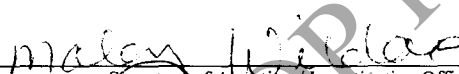
On 01/31/2023, Honorable Judge Bristow approved a search warrant for the suspect's residence located at 9180 Nickels Blvd. Boynton Beach, FL 33436. On the 02/03/2023, members of the PBSO SWAT team and Cyber Crimes Unit met to be briefed and review the pending execution of the search warrant. PBSO's SWAT team executed the search warrant shortly after the briefing.

Det. Banuchi and I made contact with Tyson outside of his residence. Tyson agreed to speak with us in our unmarked PBSO interview van. Post Miranda, Tyson admitted the Dropbox account belonged to him. Tyson admitted to looking at child sexual abuse material in anime form and admitted to downloading it. Tyson admitted he has an account on the applications Discord and Telegram, he stated he has viewed child sexual abuse material in chatrooms within the applications but denies downloading child sexual abuse material to his Dropbox account other than anime. I provided Tyson sanitized images from the videos he uploaded to his Dropbox account which were reported by Dropbox. Tyson stated he recognized the first screen shot of file (1) but not the second. Tyson stated he has a pornography addiction and "typical" pornography does not excite him anymore, therefore, he has been drawn to taboo pornography to include anime child sexual abuse material. Tyson denied being sexually attracted to children and denied that he has ever touched a child in an inappropriate manner.

NARRATIVE CONTINUATION

Tyson's cell phone, white PC tower, Apple ipad white and Seagate external hard drive were seized and will later be forensically examined by Forensic Det. Indovina for evidence of the crime. The evidence found will be held in PBSO's Forensic lab

Based on my investigation, the suspect did knowingly possess (2) or more images of sexual performance by a child in violation of Florida State Statute 827.071(5).

Sworn and Subscribed before me	
	
Signature Notary Public / Clerk of Court / Officer (F.S.S 117.10)	Signature of Arresting / Investigating Officer
Det. Steve Banuchi 8476	Det. Malory Wildove 20525
Name of Notary Public / Clerk of Court / Officer (F.S.S 117.10)	Name of Officer (Please Print)
02/03/2023	02/03/2023
Date	Date

NOT A CERTIFIED COPY



Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), 2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2023003257	Date: 2/4/2023
	Specialist Name/ID: R.Castro/40259