

ARREST / NOTICE TO APPEAR Juvenile Referral Report				1. Arrest	3. Request for Warrant	3	Juvenile	N											
OBTS Number				Agency ORI Number				Agency Name				Agency Report Number							
FL0500000				PALM BEACH COUNTY SHERIFF'S OFFICE				06-17-250005											
Charge Type: Check as many as apply. <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony				<input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor				<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other				Weapon Seized/Type 2 1. Yes 2. No							
Location of Arrest (Including Name of Business)				Location of Offense (Business Name, Address)				Multiple Clearance Indicator 18											
Date of Arrest		Time of Arrest		Booking Date		Booking Time		Jail Date		Jail Time		Location of Vehicle		N/A					
Name (Last, First, Middle) MATERKA, GERALD FREDERICK																			
Race W - White B - Black		Sex W - M		Date of Birth 02/22/1947		Height 6'1		Weight 190		Eye Color BRWN		Hair Color GRY		Complexion MED		Build MED			
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) UNK																			
Local Address (Street, Apt. Number) 264 1/2 SEMINOLE AVE, PALM BEACH, FL 33480				(City) (State) (Zip)				Marital Status UNK				Religion UNK				Indication of: Y N Unk. Alcohol Influence <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Drug Influence <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>			
Permanent Address (Street, Apt. Number) 264 1/2 SEMINOLE AVE, PALM BEACH, FL 33480				(City) (State) (Zip)				Phone (561) 756-5774				Residence Type 1. City 3. Florida 2. County 4. Out of State 1							
Business Address (Street, Apt. Number)				(City) (State) (Zip)				Phone ()				Address Source DL							
D/L Number, State M362-289-47-062-0				Soc. Sec. Number				INS Number				Place of Birth MICHIGAN				Citizenship US			
Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large				<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor				<input type="checkbox"/> 5. Juvenile	
Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large				<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor				<input type="checkbox"/> 5. Juvenile	
Parent Name (Last) (First) (Middle)																			
Legal Custodian																			
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:																			
<input type="checkbox"/> Yes, by: (Name)				<input type="checkbox"/> 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 Drug Type B. Barbituate H. Hallucinogen P. Paraphernalia/ U. Unknown N. N/A D. Deliver Distribute Produce/ Cultivate C. Cocaine M. Marijuana Equipment Z. Other P. Possess T. Traffic E. Use A. Amphetamine E. Heroin O. Opium/Deriv. S. Synthetic																			
CODE	Charge Description Poss. of the Sexual Performance by a Child (Enhanced)				Counts		Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number 827.071(5) and 775.0847				Violation of ORD #						
CHARGE	Drug Activity N	Drug Type N	Amount/Unit		Offense # 17-250005		Warrant/Capis Number				Bond								
CHARGE	Charge Description				Counts		Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		Statute Violation Number				Violation of ORD #						
CHARGE	Drug Activity	Drug Type	Amount/Unit		Offense #		Warrant/Capis Number				Bond								
CHARGE	Charge Description				Counts		Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		Statute Violation Number				Violation of ORD #						
CHARGE	Drug Activity	Drug Type	Amount/Unit		Offense #		Warrant/Capis Number				Bond								
CHARGE	Charge Description				Counts		Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		Statute Violation Number				Violation of ORD #						
CHARGE	Drug Activity	Drug Type	Amount/Unit		Offense #		Warrant/Capis Number				Bond								
NOTICE TO APPEAR	<input type="checkbox"/> Instruction No. 1 Mandatory Appearance in Court <input type="checkbox"/> Instruction No. 2 You need not appear in Court but must Comply with instructions on reverse side.		Location (Court, Room Number, Address)																
NOTICE TO APPEAR			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) <i>Debi Phillips</i> Date Signed 5/14/19																			
ADMIN.	HOLD for other Agency Name:				Signature of Arresting Officer <i>Debi Phillips</i> #5373 (PRINT)				Name Verification (Printed by Arrestee)										
ADMIN.	<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Suicidal <input type="checkbox"/> Other:				Name of Arresting Officer (Print) DETECTIVE DEBI PHILLIPS I.D. # # 5373								PAGE						
ADMIN.	Intake Deputy		I.D. #	Pouch #	Transporting Officer	I.D. #	Agency	Witness here is subject signed with an "X".				1 OF 1							

OBTS Number

PROBABLE CAUSE AFFIDAVIT

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias

3

Juvenile

N

Agency ORI Number	Agency Name			Agency Report Number		
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE			06 -17-250005		
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) MATERKA, GERALD FREDERICK				Race W	Sex M	Date of Birth 02/22/1947
Charge Description Possession of the Sexual Performance by a Child (Enhanced)		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 17 TH day of May, 2017 at 0900 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest).						

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 1/13/17, I met with Special Agent Hopwood of the Federal Bureau of Investigation. Agent Hopwood requested I assume an investigation initiated by the FBI regarding to sexual exploitation of minors through image/video files depicting the sexual conduct of children. In reviewing the information/evidence provided by Agent Hopwood the following was noted: On 11/11/16, an FBI Oklahoma City Exploitation Task Force Officer, while working in an undercover capacity, was signed into the internet through a computer located in Oklahoma. The officer utilized an enhanced version of a publicly available P2P file sharing program to identify individuals sharing images and/or videos depicting the sexual exploitation of children. During the investigation, a computer was identified on the file sharing network associated with a torrent file believed to contain files depicting child pornography. The target IP Address had been previously associated with files of interest by investigators conducting keyword searches for files related to known child pornography images/videos. On 11/11/16, law enforcement successfully completed the download of 84 image files depicting the sexual conduct of minors that the computer at the Target IP Address was making available. Law enforcement reviewed and determined that all of the files depicted children under the age of 18 engaged in sexual acts and/or poses consistent with child pornography. Samples of 2 of the files downloaded were described as follows:

- A) File name: 000003.jpg, "7yo anal girl man pthc sound.avi. File depicting a prepubescent female being anally penetrated by an adult male's penis.
- B) Filename: 000150.png, "bestiality dog girl oral pthc webcam.avi. File depicts a prepubescent female performing oral sex on a dog.

NARRATIVE CONTINUATION

The law enforcement officer documented the undercover session, the downloaded files, and digital logs. A subpoena served to Comcast for the target IP Address for the dates and times the files were downloaded revealed the IP Address was assigned to Gerry Materka, residing at 264 ½ Seminole Avenue, Palm Beach, Florida 33480. On 1/12/17, the FBI executed a search warrant at 264½ Seminole Avenue, Palm Beach, Florida 33480. Numerous items were seized into evidence and a taped statement was taken from Materka while on scene. Materka advised he lived alone at the residence for the past 2.5 years, did not have overnight guests, and has secured Wi-Fi which is password protected. Materka further advised he has 2 computers and uses social media and BitTorrent. Materka denied actively searching for child pornography but advised child pornographic images/videos may have downloaded to his computer. Forensics then completed by the FBI on the electronic devices entered into evidence located numerous images/videos involving the sexual conduct of minors.

On 1/31/17, in reviewing the case file and images/video files provided by Agent Hopwood, all files depicted the sexual conduct of minors, to include children.

On 3/10/17, a search warrant was obtained in order to forensically examine 2 of the devices seized at Materka's residence by the FBI. Forensics completed on the devices by PBSO located 18 files involving the sexual performance of minors.

Based on my investigation and digital evidence (84 P2P downloaded files recorded by the FBI and 18 files located by the PBSO Digital Forensics Unit), I am now requesting an arrest warrant be issued for Gerald Materka for 18 counts for the Possession of the Sexual Performance by a Child while in Possession of 10 or more images, contrary to F.S.S. 827.071(5) and 775.0847 (2nd degree).

Sworn and Subscribed before me:
<u>Malory Wildove</u>
Signature Notary Public / Clerk of Court / Officer
DETECTIVE MALORY WILDOVE #20525
Name of Notary Public / Clerk of Court / Officer
5/22/17
Date

<u>Det Debi Phillips #5373</u>
Signature of Arresting / Investigating Officer
DETECTIVE DEBI PHILLIPS #5373
Name of Officer (Please Print)
5/22/17
Date