

COUNTY/DISTRICT COURT, BOULDER COUNTY, COLORADO

Criminal Action Number 20072016CR001197-6

WARRANT FOR ARREST UPON AFFIDAVIT

BEFORE THE HONORABLE Thomas F. Mulvihill

The People of the State of Colorado,
To: Any person authorized by law to execute arrest warrants.

You are hereby commanded to arrest the person of:

<u>Gary Howard Oliva</u>			
DOB:	01/07/1964	HAIR:	Brown
HEIGHT:	5'09"	EYES:	Brown
WEIGHT:	190 lbs	RACE/SEX:	White male
ID #:		SSN:	
ALIAS:	See FBI#:	ALIAS D.O.B.:	08/06/1964
	CO PIN		

OFFENSE DATE: 04/10/2016

And take the person above-named without unnecessary delay before the nearest judge of the Court of Record; to be advised that the person is being held for the alleged commission of the following crime(s), to-wit: In violation of C.R.S., 1973 revised:

Charge #	CRS #	Charge	Classification
1	18-2-101	Criminal Attempt: Sexual Exploitation of a Child- Distributes	F4
2	18-6-403(3)(b)	Criminal Attempt: Sexual Exploitation of a Child- Distributes	F4
3	18-6-403(5)(b)(II)	Sexual Exploitation of a Child- Possession more than 20 images	F4

That this warrant for arrest is issued upon affidavit sworn to and affirmed before this court and relating facts sufficient to establish probable cause that the above-named offense has been committed and probable cause that the person named in this warrant committed that offense.

BAIL IS SET AT \$ No Bond WITH CONDITION(S) NCO - any person under 15 yrs of age;
UNTIL SEEN BY A JUDICIAL OFFICER No internet usage

DATE: 6/16/16

[Signature]
Judge's Signature

Boulder Police Case # P16-7261

Detective Kristin Weisbach 303-441-4474

RETURN OF SERVICE

I hereby certify that I have duly executed this warrant on this _____ day of _____, 20____,
by _____ as I am herein commanded.

SHERIFF FEES:

Service \$ _____
Mileage \$ _____
Return \$ _____
Total \$ _____

By: _____
Deputy

AFFIDAVIT FOR ARREST WARRANT

The Affiant (hereafter referred to as "I"), Detective Kristin Weisbach, is a duly commissioned Police Officer for the City of Boulder, located in the County of Boulder, State of Colorado, being duly sworn, deposes and states:

The Affiant is currently assigned to the Detective Section of the Boulder Police Department and investigates crimes occurring within the City of Boulder, County of Boulder, State of Colorado. The associated Boulder Police Department case number is P16-7261. I am assigned to investigate family crimes cases that occur in the City of Boulder, Colorado. I am also assigned to investigate Internet Crimes Against Children (ICAC) cases as a part of the ICAC task force.

On June 9, 2016, I became aware of a cybertip sent to the Colorado ICAC task force from the National Center for Missing and Exploited Children (NCMEC). The cybertip had been reported to NCMEC from the company Google, Inc. and indicated that possible child pornography had been uploaded onto a Google e-mail by one of their users. Preliminary information indicated that the information was uploaded from various IP addresses located in Boulder, Colorado.

On June 9, 2016 at approximately 8:00 am, I was able to download two different NCMEC cybertips, #9523815 and #9569847. Upon reviewing the tips, I learned the following: According to cybertip #9523815, on April 10, 2016 at approximately 17:55:05 UTC (which is 10:55:05 am MDT), the e-mail user OlivaGary@gmail.com attached 2 documents/media of suspected child pornography an e-mail in his Gmail account. It was not known if the e-mail was sent or not. The user had logged into IP address 50.243.154.49 on April 10, 2016 at approximately 16:11:48 UTC (09:11:48 am MDT). Both files uploaded were titled "11.jpg" and were the same image. I observed the two images that had been attached to the e-mail, and found that it was the same group of images made into a photo collage single image. The collage contains 6 different images of child pornography in a way that appears to be the sequence of events. The photographs depict a prepubescent girl, whose age I would estimate to be between 4 and 7 years old. The photographs start with her naked, exposing her vagina, and move on to her naked in a sexually explicit position. The other 4 photographs include the same girl and an adult male, whose face is not seen, but whose penis is exposed. They depict first the male next to the girl holding onto her while they are both naked, then show the girl performing oral sex on the male. The last two pictures depict the male penetrating the young girl with his penis.

According to cybertip #9569847, on April 10, 2016 at approximately 17:55:05 UTC (10:55:05 am MDT), the e-mail used OlivaGary@gmail.com attached 10 documents/media of suspected child pornography to an e-mail in his Gmail account. It is not known whether these e-mails were sent or not. Similarly to the tip above, the user had been logged into IP address 50.243.154.49 starting on April 10, 2016 at approximately 16:11:48 UTC (09:11:48 am MDT). I reviewed these files, and found that 6 of the files uploaded were each comprised of a collage of different images of child pornography. 4 of the files contained a single image of child pornography. In total, there were 22 separate sexually explicit images contained in the 10 files uploaded. All of the children depicted in these images are prepubescent and appear to be under 10 years of age. 8 of the images are of naked female children posted in sexually explicit ways that show their genitals. The other 14 images depict young prepubescent children engaged in sex acts either with each other or with adult males.

The NCMEC cybertip also provided me with a list of 63 additional times that user logged into his/her account, starting on March 14, 2016 at 17:05:39 UTC (10:05:35 MDT). The majority of the logins were using the same IP address, 50.243.154.49. The additional IP addresses that the user used to log into the account included 97.107.70.172 on 4 different occasions spanning two dates, and 73.243.162.44 which was used on one occasion. The only other date and IP address provided was when the account was registered in 2009. I verified that the IP addresses used in 2016 GeoLocate to Boulder, Colorado.

Upon receiving this case, I did some searches for the name "Gary Oliva." Using various police databases, I identified a suspect, Gary Howard Oliva (hereafter referred to as Oliva), who is known to live in Boulder. Upon further investigation, I learned that Oliva is a registered sex offender with an original charge of "1st Degree Sex Abuse" out of Oregon. According to the report from Oregon, police received a report of possible sexual assault on a child on 09/25/1990. The seven year-old victim reported that Oliva, who was a neighbor of the victim, had touched her on the buttocks and in her vaginal area on three different occasions while he showered with her. During his interview, Oliva did admit to baby-sitting the girl. Oliva said he would often lock himself in the bathroom with her, and admitted to touching her on the buttocks, but denied showering with her or touching her on the vagina. Further, the victim had a physical examination done, and it was found that the hymen of the girl was "nearly completely gone, indicating frequent vaginal penetration." Ultimately, Oliva was convicted of the Sexual Abuse 1 charge. Oliva did not display any remorse for what he did, but admitted to having a "problem" with young girls. He later admitted to having a sexual attraction to girls around the age of 8 and 9 years old.

I found that Oliva has been registering in Boulder, Colorado on and off since 2000. A routine criminal history showed that Oliva has been arrested multiple times in Colorado for charges including possession of a weapon by a previous offender, drugs charges, false reporting, trespassing, Fugitive from justice (other jurisdiction), illegal camping, Second Degree Assault, obstructing police and multiple charges of probation violations relating to his sex offender status and also failure to register. Oliva is currently homeless and self-reports that he is staying in the City of Boulder. He last registered with the Boulder Police Department on 06/01/16. Upon looking further at Oliva's sex offender registration paperwork, I observed that as of 07/08/2015, he self-reported that his e-mail address is olivagary@gmail.com. I attempted to send Oliva an e-mail at this address, but found that Google has since disabled the account. Oliva is not due to register again with the Boulder Police Department until 07/06/16.

I spoke with Officer Erin Starks, who is assigned to patrol the downtown area of Boulder and has a lot of contact with the local transient population. Officer Starks viewed a recent photograph of Oliva, and stated that he believes he just recently saw Oliva at the Boulder Public Library.

I sent an e-mail the Boulder Public Library IT staff to ask what the designated IP address is for the Boulder Public Library. I also am aware that the library usually keeps logs of people using their computers and internet. On June 9, 2016 at approximately 3:17 pm, I heard back from Boulder Public Library Staff, who confirmed that none of the listed IP addresses associated with this case belong to the Boulder Public Library.

On June 13, 2016, I contacted Detective Jeremy Shavin with the Boulder County Sheriff's Office Computer Laboratory. I asked Detective Shavin about the 97.107.70.172 IP address since it was associated with Boulder County Government. Detective Shavin was able to determine that this IP address is associated with the "Guest" wifi that is available without a password in any Boulder County building, such as the Sheriff's Department, Department of Housing and Human Services or the Justice Center.

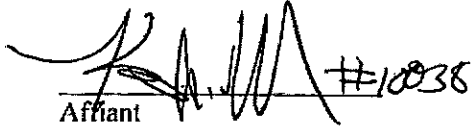
I completed an affidavit search warrant for the Comcast IP address 50.243.154.49. On 06/14/16, a Boulder District Court Judge signed the warrant. I faxed it to Comcast the same day.

On June 14, 2016 at approximately 2:30 pm, I received a faxed response from Comcast. According to their records, that IP address was both Dynamically and Statically Assigned to Outsource Locally, which is a company located at 5375 Western Ave. Unit D in Boulder, Colorado. I checked a map and found that this location is very similar to a location that Oliva pointed out on a map on 10/21/15 as to where he had been staying when he registered with the Boulder Police Department. His subsequent self-verifications list "same" or "BOHO" warming centers for single digit weather.

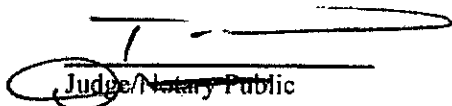
On June 14, 2016 at 2:45 pm, I called Outsource Locally. The receptionist told me that their company's internal wireless internet is password protected, but their "exterior" wireless internet is not.

I believe that sufficient probable cause exists to believe that **Gary Howard Oliva**, with a date of birth of **01/07/1964** and is further described as a **White male** who is further described as **5'09"** tall, **190** pounds with **brown** hair and **brown** eyes with a social security number _____ committed the crime(s) of **two counts of Criminal Attempt: Sexual Exploitation of a Child-Distributes** as outlined in **C.R.S. 18-2-101** and **Sexual Exploitation of a Child- Possession of more than 20 images** , as outlined in **C.R.S. 18-6-403(5)(b)(II)**.

I respectfully request that a warrant be issued for **Gary Howard Oliva** with a date of birth of **01/07/1964**, and is further described as a **White male** who is **5'09"** tall, **190** pounds with **brown** hair and **brown** eyes with a social security number of _____ committed the crimes of **Two Counts of Criminal Attempt: Sexual Exploitation of a Child- Distributes, a Class 4 Felony** and **Sexual Exploitation of a Child- Possession of more than 20 images, a Class 4 felony**.

 #10038
Affiant

Sworn to before me and subscribed in my presence this 16 day of June, 2016 in the City of Boulder, County of Boulder, and the State of Colorado.


Judge/Notary Public

My commission expires: