

**IN THE DISTRICT COURT OF CREEK COUNTY
STATE OF OKLAHOMA**

Plaintiff

THE STATE OF OKLAHOMA

vs

Defendant

CF - 2016-151

COLE, JR., ARCHIE L.

DOB: 11/04/1972

SSN: 519-08-2333

6'2" 190lbs WM

Arrest Date: 04/06/2016

Address: 108 W. Main

Oilton, OK 74052

FILED IN DISTRICT COURT
CREEK COUNTY SAPULPA OK

APR 08 2016

TIME 9:13am
Amanda VanOrsdol, COURT CLERK

AFFIDAVIT OF PROBABLE CAUSE

The undersigned upon oath deposes and states as follows, to-wit:

I am an Agent with the Oklahoma Attorney General's Office (OAG), State of Oklahoma. I have been a certified peace officer in the state of Oklahoma since June 27, 2007. I received 375 hours of training in the CLEET basic academy, and have attended multiple trainings specific to internet crimes against children. I am assigned to the Oklahoma's Internet Crimes Against Children task force.

The statements in this Affidavit are based on information obtained during the investigation through interviews, investigative activities, and consultation with other law enforcement officers, and criminalists. Since this affidavit is being submitted for the limited purpose of having charges filed, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe violation of Possession of Child Pornography, Oklahoma Statute Title 21 Chapter 39 Section 1021.2, and Violation of the Oklahoma Computer Crimes Act, Title 21 Section 1958 were committed by ARCHIE L. COLE, JR.

On March 8, 2016, this Agent received a Cybertip from the National Center for Missing and Exploited Children originating from Google, Inc. The Cybertip indicated a Google user with the email address traintorein2@gmail.com was uploading images containing child pornography to an email in Gmail. The incident date and time according to Google was February 12, 2016 at 06:57:48 UTC. Google provided the IP address used by the user to create the emails and load the images. AirLink Internet Services, IP address 162.222.237.66, was used. Google, Inc. also provided the phone number and secondary email address provided by the Google account user. The phone number was 918/568-1898. The secondary email address was traintorein@yahoo.com

On March 12, 2016, this Agent requested and was granted a Multi-County Grand Jury subpoena for the AirLink IP address above. This subpoena required AirLink Internet Services to provide subscriber information for IP address 162.222.237.66 for the date and time provided by Google.

This agent viewed these files included in the Cybertips and accessed by the Google account in question and identified multiple files as child pornography. Two of the files are described below:

- 1) hprVUvt.gif - this is a moving image that depicts a prepubescent female, approximately one to three years old, and an adult male. The prepubescent female is sitting on the lap of the adult male. She is completely nude with her legs spread apart. The man is using his fingers to stimulate of the child's vaginal area.
- 2) iy1wBccEnL.jpg - this image depicts a prepubescent female, approximately three to five years old and an adult male. The female child is nude from the waist down and is on top of the male. The male's penis is vaginally penetrating the child.

On March 21, 2016, AirLink Internet Services responded to the Multi-County Grand Jury subpoena and provided me with subscriber information for the above IP address. According AirLink's records, on the date and time in question, IP address 162.222.237.66 was assigned to ARCHIE COLE, 401 W. Elm, Oilton, Oklahoma 74052, 918/568-1898, traintorein@yahoo.com.

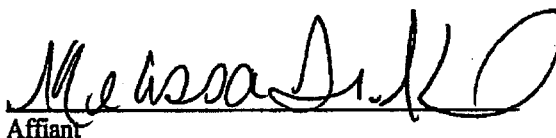
On April 4, 2016, I obtained a search warrant for the email accounts traintorein2@gmail.com and traintorein@yahoo.com as well as the house located at 401 W. Elm in Oilton, Oklahoma.

On April 6, 2016, agent with Oklahoma's Internet Crimes Against Children Task Force attempted to serve a search warrant at 401 W. Elm in Oilton, Oklahoma, Creek County. Agents discovered this house was uninhabited. I made contact with Oilton Police Department Assistant Police Chief SHELLY GILLEY. GILLEY agreed to call COLE, an Oilton Police Department Officer. GILLEY instructed COLE to come to the police department. When COLE arrived at the police department, I introduced myself to COLE and asked COLE to speak to me about my investigation.

In a post-Miranda interview, COLE admitted to searching online for pornography. He used the search terms "young" and "teen". COLE discovered child pornography online. The child pornography was pictures of girls, approximately 7 to 15 years old, nude or engaged in sexual acts with adult males. COLE downloaded the child pornography to his LG phone and then emailed the child pornography to himself. He used the email address traintorein2@gmail.com to send the child pornography to his other email address, traintorein@yahoo.com. This happened a couple of months ago. He was at his home, 401 W Elm in Oilton, Creek County, when he accessed and sent the child pornography. COLE most recently accessed child pornography from his phone three days ago. COLE was sexually aroused by child pornography. After he looked at the images depicting child pornography he had sex with his girlfriend. COLE deleted all the child pornography off his phone. He was unable to access his gmail account after he sent the child pornography.

COLE gave agents consent to search his LG phone. During an on-site preview of COLE'S phone, no images or videos depicting child pornography were found. A preview is not a full forensic exam.

The undersigned prays that the court issue a finding of fact that probable cause exists to believe that the crimes of Possession of Child Pornography, Oklahoma Statute Title 21 Chapter 39 Section 1021.2 and Violation of the Oklahoma Computer Crimes Act, Title 21 Section 1958, were committed, and that there is probable cause to believe that ARCHIE L. COLE, JR committed these crimes. All of these crimes happened in the Creek County, State of Oklahoma.


Affiant

Subscribed and sworn to me this 6 day of April, 2016.
My commission Expires

Jeanette Brasher
NOTARY PUBLIC



FINDING OF PROBABLE CAUSE

The undersigned Judge of this court, upon sworn testimony and/or affidavit, hereby determines there to be probable cause to detain the defendant.

Dated this 7th day of April, 2016.

Lester D. Henderson
JUDGE OF THE DISTRICT COURT