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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA

v.

ROBERT JOHN MAY, III,

Defendant

CASE NO. 3:25-CR-778 (CML)

MOTION TO SUPPRESS AND REQUEST
A FRANKS HEARING

COMES NOW the defendant Robert John May, III, pursuant to Fed. R. Crim. P. 12 to: (1) suppress items seized during a search of his home on August 5, 2024; (2) request this Court order a hearing regarding government misconduct in procuring the issuance of a search warrant pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978); and (3) require Special Agent Britton Baker Lorenzen of Homeland Security Investigations to testify at this hearing.

FACTUAL BACKGROUND

On May 27, 2024, the National Center for Missing and Exploited Children ("NCMEC") received a CyberTip from Kik¹ regarding activity on its platform between March 30 and April 4, 2024. The Lexington County

Sheriff's Department ("LCSD") began an investigation into the CyberTip in June 2024. On June 27, 2024, LCSD obtained a search warrant for the username "joebidennn69" associated with the kik account. The LCSD also obtained another search warrant for the AT&T account associated with the IP address identified in the CyberTip. After executing and receiving returns on these warrants, Homeland Security Investigations ("HSI") applied for, and obtained, a search warrant for the May residence on August 1, 2024. It was executed four days later. Law enforcement officers seized 35 electronic devices from the home, including cellphones, laptops, memory sticks, SD cards, CDs, and internal and external hard drives. No child pornography was located on any of the seized devices.

Mr. May was indicted on June 10, 2025, and the court held a detention hearing following his arrest. During the June 12, 2025 detention hearing, Agent Lorenzen acknowledged during her testimony that no child pornography or child pornography artifacts were found on any seized device. See Arraignment/Detention Hearing Transcript at page 43, lines 19-24. On cross examination at the detention hearing, Agent Lorenzen testified as

below:

Q. As far as you talk about some generalities a little bit about general cases of these things occur, how often is it that you prefer -- execute a search warrant and there is no CSAM material or artifacts on any of the devices?

A. Oh, it is very common.

Q. Very common?

A. Yes.

Q. So if there is a search of federal cases that we will find many, many cases where there is zero evidence on any devices after execution of a search warrant?

A. With the technology of cloud-based systems,² yes, you are going to find that there -- commonly there are not items actually saved on the camera roll of a phone.

See Assignment/Detention Hearing Transcript at page 62, lines 17-25 and page 63, lines 1-5.

Cross examination continued and concluded with the exchange below:

Q. And so far as execution of a search warrant either through a cloud service or through a direct device, it is your testimony that it is very, very common to -- have an execution of a search warrant in a Federal case and there be no CSAM materials or artifacts in any of that, either on the devices or in a cloud storage?

A. Federal or state, yes.

See Arraignment / Detention Hearing Transcript at page 63, lines 21-25 and page 64, lines 1-3.

In the affidavit for the search warrant signed by Judge Paige J. Gossett on August 1, 2024, Agent Lorenzen stated the following:

As for Staleness concerns, individuals who collect child pornography rarely, if ever, dispose of their sexually explicit materials and may go to great lengths to conceal and protect from discovery, theft, and damage their collections of illicit materials. The known desire of such individuals to retain child pornography, together with the sense of security afforded by using computers

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provides probable cause to believe that computer images, especially child pornography and erotic nudity involving minors, will be retained by the collector indefinitely.

See Search Warrant Affidavit, paragraph 9, Subsection E.

In the same document, Agent Lorenzen describes other characteristics of individuals who collect child pornography including how they increase the size of their collection. See Search Warrant Affidavit, paragraph 11, Subsections B, C, and D.

Further into the same document, Agent Lorenzen states:

(1) "... there is probable cause to believe that the Target Location contains evidence of violations of the Target Offense including on devices in Target Individual's possession." See Search Warrant Affidavit, paragraph 19.

(2) "... there is probable cause to believe the Target Location is used by the Target Individual to store electronic devices containing evidence

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of the target offense." See Search Warrant Affidavit, paragraph 24.

(3) "...there is probable cause to believe that the Target Location contains evidence of violations of the Target Offense." See Search Warrant Affidavit, paragraph 25.

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LEGAL STANDARD

FRANKS v. DELEWARE

In *United States v. Leon*, the Supreme Court held that the Fourth Amendment exclusionary rule should not be applied to evidence obtained by officers acting in reasonable reliance on a warrant issued by a detached and neutral magistrate but ultimately found to be invalid 468 U.S. 897 (1984). However, this reasonable reliance exception does not apply when "the magistrate or judge in issuing a warrant was misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth." *Id.* at 923 (citing *Franks v. Delaware*, 438 U.S. 154 (1978)). "[W]here the defendant makes a substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, the Fourth Amendment requires that a hearing be held at the defendant's request." *Franks*, 438 U.S. 154, 156. *Franks* also applies when an affiant omits material facts "with the intent to make or in reckless disregard of whether they thereby made, the affidavit misleading." *U.S. v. Colley*, 899 F.2d 297,

300.

Thus, to earn a Franks Hearing, the defendant must make a substantial preliminary showing that (1) "the affiant either intentionally or recklessly made a materially false statement or that the affiant intentionally or recklessly omitted material information from the affidavit" and (2) the omission or false statement was necessary to the finding of probable cause. *US v. Stinson*, 805 F. App'x 180, 182 (4th Cir 2020) (quoting *US v. Lull*, 824 F.3d 109, 114-115 (4th Cir 2016)); *US v. Saunders*, 828 F. App'x 900, 902 (4th Cir 2020).

To establish reckless disregard in the context of an included falsity, the defendant must show by a preponderance of the evidence that the "affiant must have been subjectively aware that the false statement... would create a risk of misleading the reviewing magistrate judge and nevertheless chose to run that risk." *US v. Pulley*, 987 F.3d 370, 377 (4th Cir. 2021). In the context of an omission, "an officer acts with reckless disregard when she fails to inform the magistrate of facts she subjectively knew would negate probable cause." *US v. Hass*, 986 F.3d at 475 (4th Cir. 2021). Put simply, an omission occurred with at least reckless disregard of its

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effects upon the affidavit... [i.e.] any reasonable person would have known that [the information omitted] was the kind of thing the judge would wish to know. *US v. Jacobs*, 986 F.2d 1231, 1234-35 (8th Cir. 1993).

In assessing whether false statements and/or omissions are material to the finding of probable cause, the defendant must show that with the omissions supplemented to the affidavit and/or the false statements "Set to one side, the affidavit's remaining content is insufficient to establish probable cause." *US v. Lull*, 824 F.3d 109, 114.

PROBABLE CAUSE

In determining whether the corrected affidavit would be supported by probable cause, courts assess "the totality of the circumstances," evaluating the affidavit as a whole and all circumstances set forth within." *US v. Lull*, 824 F.3d 109, 118; *US v. Colkley*, 899 F.2d 301-302; *See Gates*, 462 U.S. at 233, 103 S.Ct. 2317. In establishing probable cause law enforcement "must demonstrate, based on sworn facts, whether there is a fair probability that contraband, or evidence of a crime, will be found

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in a particular place." US v. Lyles 910 F.3d 791. These facts within the probable cause affidavit must be truthful "in the sense that the information put forth is believed or appropriately accepted by the affiant as true." US v Tate, 524 F.3d 454.

In evaluating the existence of probable cause, a magistrate must consequently make "a practical, commonsense decision whether, given all the circumstances set forth in the affidavit before him there is a fair probability that contraband or evidence of a crime will be found in a particular place." Gates, 462 U.S. at 238. That assessment must consider whether the facts supporting the affidavit are "so closely related to the time of the issuance of the warrant as to justify a finding of probable cause at that time." US v. McCall, 740 F.2d 1331 at 1335-36 (4th Cir 1984).

"Evidence seized pursuant to a warrant supported by stale probable cause is not admissible in a criminal trial." US v. McCall, 740 F.2d 1331, 1336 (4th Cir. 1984)

RELEVANT 4th CIRCUIT PRECEDENT

The Fourth Circuit has recognized a uniqueness to determining probable cause in CSAM cases, particularly as it relates to staleness. This

Uniqueness has resulted in courts finding that a delay—even a substantial delay—between alleged CSAM activity and the issuance of a search warrant does not necessarily render the underlying information stale. The consensus for this position "rests on the 'widespread view' that collectors and distributors of child pornography value their sexually explicit materials highly, rarely if ever dispose of such material, and store it 'for long periods' in a secure place, typically in their homes." *US v. Richardson* 607, F.3d 357, 370 (4th Cir. 2010). It also rests, in many cases, on "the fact that digital media files persist for a long time and can often be forensically recovered even after being deleted." *Richardson* 607 F.3d at 370-371.

Applying this rationale, the Fourth Circuit held that a nearly four month delay does "not preclude a finding of probable cause based on staleness in light of ... [the affiant's] sworn statement that child pornographers rarely, if ever, dispose of their sexually explicit materials, and that even if a computer file is deleted from a hard drive or other computer media, a computer expert is still likely to retrieve ... such files through a scientific examination of the computer." *Richardson*, 607 F.3d at 370-371. The fourth circuit re-affirmed its *Richardson*

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reasoning in Bosyk³ stating that a law enforcement agent's affidavit — which included boilerplate language about collectors of child pornography and forensic search capabilities of law enforcement — allowed the issuing magistrate to infer someone at the defendant's home "likely downloaded, stored, and kept [CSAM]". Since people with an interest in child pornography tend to hoard their materials and retain them for a long time," Bosyk, 933 F.3d 331, 332.

The Fourth Circuit again re-affirmed its Richardson decision in Ebert,⁴ Sanders,⁵ and, most recently, Krueger.⁶ In Krueger, the Fourth Circuit upheld the district court's decision to deny the defendant's suppression motion in which the district court cited Fourth Circuit case law sustaining search warrants of comparable time frames "where people are collecting and keeping [CSAM] materials" for extended periods of time. The Fourth Circuit elaborated further stating that based on the facts of the affidavit — specifically averments about the tendency of child pornographers to hoard CSAM and law enforcement's ability to recover deleted files — the magistrate could infer the defendant was likely to collect and retain CSAM images for an extended period of time and that even if the defendant tried to delete the illicit material, it could be

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forensically recovered months later.

In viewing Fourth Circuit precedent on CSAM and probable cause, particularly as it relates to staleness, it becomes clear that warrants sought months after the alleged illegal activity must be supported by an affidavit that avers child 'pornographers rarely, if ever, dispose of their collection of CSAM and that law enforcement can recover deleted computer files through forensic exams.'

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ANALYSIS

The evidence shows Agent Lorenzen, with at least reckless disregard for the truth, omitted material statements from her probable cause affidavit used to secure a search warrant of the May residence. Additionally, Agent Lorenzen, with at least reckless disregard for the truth, included false statements in her probable cause affidavit used to secure a search warrant of the May residence.

Specifically, Agent Lorenzen omitted the following information she believed to be true:

- (1) that it would be very, very common for a search of the May home and electronics to result in the discovery of no CSAM or CSAM artifacts and;
- (2) that it would be very, very common for a search of any cloud storage account associated with Ms. May to result in the discovery of no CSAM or CSAM artifacts.

See Assignment/Detention Hearing Transcript, page 63, lines 21-25; page 64, lines 1-3.

Furthermore, Agent Lorenzen included in her probable cause affidavit the following statements she knew

to be false:

(1) "... individuals who collect child pornography rarely if ever dispose of their sexually explicit material and may go to great lengths to conceal and protect from discovery, theft, and damage their collections of illicit materials. The known desire of such individuals to retain child pornography, together with the sense of security afforded by using computers, provides probable cause to believe that computer images, especially child pornography and exotic nudity involving minors, will be retained by the collector indefinitely. These individuals may protect their illicit materials by password, encryption, and other security measures, save it on moveable media such as CDs, DVDs, Flash memory, thumb drives, and removable hard drives, which can be very small in size... or send it to third party image storage sites via the internet." ⁸

See Search Warrant Affidavit paragraph # 9, subsection E.

(2) Subsections B, C, and D of paragraph # 9 which further elaborate the characteristics of "individuals who collect child pornography."

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(3) Paragraphs 19, 24, and 25 in which Agent Lorenzen submits to the Court that evidence of possession of child pornography will be found in the target location and on devices inside the target location.

In Agent Lorenzen's June 12, 2025 testimony, she confirmed that it was "very, very common" for law enforcement to execute a search warrant on a Target Location and discover no CSAM or CSAM artifacts in the residence, on the electronic devices seized, or in any cloud storage accounts belonging to the Target Individual. This testimony contradicts paragraph 9, subsection E; and paragraphs 19, 24, and 25 of the Search Warrant Affidavit. Furthermore, subsections B, C, and D of paragraph 9 become, in view of Agent Lorenzen's testimony that the Target Individual will very, very commonly not have a collection of child pornography, statements designed to mislead as they describe the characteristics of child pornography collectors.⁹ Thus, to create the "Corrected" affidavit as required by Franks, paragraph 9, subsection E - with the exception of its introductory clause - must be deleted and replaced by Agent Lorenzen's June 12, 2025 testimony relating to the high likelihood that any search would result in

the discovery of no CSAM or CSAM artifacts. Paragraph 9, Sections B, C, and D must be deleted in their entirety and paragraphs 19, 24, and 25 must be supplemented with Agent Lorenzen's testimony.

Intentionality

These omissions and false statements were made with at least reckless disregard for the truth given the fact that an agent's assessment of whether or not a suspected possessor of CSAM tends to actually possess CSAM is the kind of thing a magistrate would want to know in determining whether to authorize a search of a suspect's home. Likewise, given the Fourth Circuit's precedent on CSAM and staleness,¹⁰ a magistrate would want to know if a suspect was likely to hoard and retain images of CSAM for an extended period of time or if the search would "very, very commonly" result in the discovery of no CSAM or CSAM artifacts.

Agent Lorenzen - like any reasonable person - clearly understood this because she began paragraph 9, subsection E of her original probable cause affidavit with the words "[a]s for

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Staleness concerns." The paragraph went on to describe the tendency of individuals who collect CSAM to rarely, if ever, dispose of their sexually illicit materials despite Agent Lozenzo's sworn belief that Mr. May's home and electronics would "very, very com[mon]ly]" not contain any artifacts of CSAM, let alone a collection of it.

Furthermore, Agent Lozenzo is a highly skilled Federal agent with over 25 years of experience investigating child exploitation and computer crimes. She has been trained to observe carefully and report accurately. She has provided testimony countless times and applied for numerous warrants. She is undoubtedly familiar with the requirements to obtain a search warrant and Fourth Circuit precedent on child pornography, particularly on the issue of staleness given her introductory clause of paragraph 9, subsection B, in her probable cause affidavit. With these facts in mind, it is reasonable to infer such omissions and falsities by a careful and capable police officer are unlikely to be merely negligent.

Materiality

The omissions and false statements are material to the finding of probable cause because once the omissions are supplemented to — and the falsities purged from — the affidavit, the affidavit no longer provides a substantial basis to believe evidence of CSAM possession would be found in the May residence or on the electronics within.¹¹ Furthermore, the corrected affidavit prevents a finding of probable cause due to the information supporting the warrant becoming stale.¹²

The corrected affidavit now states the following:

(1) Paragraph 9, subsection E:

As for staleness concerns, it is very, very common to execute a search warrant and discover no CSAM or CSAM artifacts in the suspect's home, on his electronics, or in his cloud storage accounts.

(2) Paragraph 9, subsection B, C, and D are deleted.

(3) Paragraph 19:

Based on my training and experience, I submit that the Target Location and devices in the Target Location will very, very commonly not contain CSAM or CSAM artifacts.

(4) Paragraph 24:

Based on the above and my training and my experiences, I further submit the Target Location is used by the Target Individual to store electronic devices that will very, very commonly not contain CSAM or CSAM artifacts.

(5) Paragraph 25:

Based on the above, I respectfully submit that the target location very, very commonly will not contain CSAM or CSAM artifacts.

With the affidavit corrected, we re-evaluate for probable cause.

The government's argument establishing probable cause rested largely, given Fourth Circuit precedent on months long delays between

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underlying CSAM activity and the issuance of a warrant, on Agent Lorenzen's original - but false - averments that collectors of CSAM rarely, if ever, dispose of their materials, that computer images of CSAM will be retained by the collector indefinitely, and that these individuals may store their collections on moveable media or third party image storage sites. See Search Warrant Affidavit paragraph 9, Subsection E. Despite presenting these statements to the issuing magistrates as being truthful, Agent Lorenzen knew at the time she prepared her search warrant application that it would be "very, very common" for a search of the May home and electronics to not discover CSAM or CSAM artifacts. See Assignment/Detention Hearing Transcript, page 63, lines 21-25 and page 64, lines 1-3. Thus, Agent Lorenzen requested a search warrant for possession of child pornography knowing that the suspect's home and electronics would very likely not contain the sought after contraband. The dangers in issuing warrants for possession of CSAM for residences in which CSAM would "very, very commonly" not be found are self-evident and subject to abuse.

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Had Agent Lorenzen's true beliefs been part of the affidavit used to secure the warrant to search the May home, they would have "been of sufficient probative importance to the [probable cause] inquiry so that, as a minimum, further fruitful investigation would have occurred. In such case the warrant will be invalid and the resulting search unlawful." See *US v. Davis*, 714 F.2d 846 at 900.

Also critical to the finding of probable cause is the four month gap between the alleged CSAM activity on Kik and the issuance of the search warrant for the May residence.¹³ At the time of Agent Lorenzen's request to search the May home it was well established Fourth Circuit case law that a search warrant application for CSAM related crimes submitted months after underlying activity was generally immune from staleness claims if an affiant included in their probable cause affidavit sworn statements that (1) child pornographers rarely, if ever, dispose of their sexually illicit materials; and (2) that deleted computer files can be recovered by law enforcement through a forensic examination. See *Richardson, Bosyk, Ebert, Sanders, and Kruegar*.

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The instant case shares some similarities with the relevant precedential cases but differs remarkably in that the corrected affidavit in the May case — stripped of its falsities and supplemented with the omissions — satisfies neither condition required to save it from being stale. Instead, the corrected affidavit avers nearly the opposite of what the Fourth Circuit has deemed necessary of CSAM search warrant applications submitted months after the alleged underlying activity.

With the affidavit corrected, the inferential bridge the issuing magistrate took to a finding of probable cause to authorize a search of the May home no longer exists. As the Fourth Circuit reasoned in *Bosyk*, the facts of that affidavit allowed the issuing magistrate to infer the suspect was a collector of CSAM and further allowed the magistrate to infer the suspect likely downloaded, stored, and kept CSAM since people with an interest in child pornography tend to hoard their materials and retain them for a long time. See *US v. Bosyk*, 933 F.3d 331-332.

Such inferences are impermissible in the instant case as the conclusion any magistrate

would seek to infer has already been established by the affiant - a search of the May home, electronics, and cloud accounts would very, very commonly result in the discovery of no CSAM or CSAM artifacts. Furthermore, arguments based on whether the affidavit establishes that a person fits the collector profile "misfocus the inquiry, which is whether there [is] reasonable cause to believe" CSAM files will be found on devices inside the target residence. *US v. Hay*, 231 F.3d 630, 636 (9th Cir. 2000). Based on the facts of the corrected affidavit, it would be highly unlikely to find such contraband.

But as the *Kruegar* decision noted, the likelihood - or in this case unlikelyhood - of an individual to collect and retain CSAM is one of two reasons evidence of child pornography possession could be found months after the alleged activity occurred. The Fourth Circuit reasoned, based on the agent's affidavit, that even if *Kruegar* tried to delete CSAM months earlier law enforcement would be able to recover the files. *Kruegar*, 24-4328 at 10. Tellingly, in the instant case, Agent Lorenzen's original affidavit made no mention of law enforcement's

ability to recover deleted files suggesting that even the government didn't believe such boilerplate language — or the inferences that could be drawn from it — deserved inclusion.

Regardless, the corrected affidavit makes clear what was implied: a forensic search of a suspect's devices and cloud accounts would very, very commonly result in the discovery of no CSAM artifacts. Thus, unlike in the previously mentioned cases, the only inference one can draw from the corrected affidavit is that any deleted computer files are highly unlikely to be recovered.

CONCLUSION

In sum, Agent Lorenzen acted with at least reckless disregard for the truth when she included material falsities and omitted material facts in her probable cause affidavit in support of a search warrant for the May residence. Agent Lorenzen misled the issuing magistrate into believing there was probable cause the Target Individual was a collector of CSAM who would retain images of child pornography and rarely, if ever dispose of his cache of illicit

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materials. In reality, Agent Lohenzen knew it to be true that Mr. May's home, electronics, and cloud accounts would very, very commonly not contain any CSAM or CSAM artifacts.

In evaluating the corrected affidavit, no magistrate would - unless acting as a rubber stamp for law enforcement - issue a search warrant for the chief evil in which the Fourth Amendment protects against when the affidavit states the odds of finding the sought after contraband, or recovering artifacts thereof, are so slim. Probable cause exists when there is a fair probability that contraband or evidence of a crime will be found in a particular place. This requirement must not become a mere form of words. To allow law enforcement to present affidavits to a magistrate built upon untruthful averments about the likelihood of discovering contraband in a target location would eviscerate the Fourth Amendment protections requiring a truthful showing¹⁴ of probable cause.

Put plainly, the corrected affidavit in the instant case provides no substantial basis to believe the May home, electronics, or cloud accounts would contain evidence of CSAM possession. Additionally, the corrected

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affidavit fails to comply with Fourth Circuit precedent required to overcome staleness concerns.

With each omission added and falsity removed, Agent Lorenzen's affidavit went from averring a near certainty of finding CSAM to a probability which merged into a possibility and faded into a chance. The Fourth Amendment demands more. Search warrants with such a substantial risk of failure are exactly the ones in which probable cause never existed.¹⁵

Based on the foregoing, Mr. May request this Court hold a Franks Hearing, require Agent Lorenzen to testify at this hearing, and suppress all evidence, physical and digital, obtained or derived from, through or as a result of the unlawful search and seizure of any items from the May residence on August 5, 2024.

Respectfully Submitted,

Robert John May III

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FOOTNOTES

1. Kik is a smartphone messaging application based out of Los Angeles, California.
2. Despite claiming cloud-based systems increased the likelihood of search warrants recovering no child pornography or child pornography artifacts, Agent Lorenzen later confirmed her testimony was that it was "Very, Very Common" to execute a search warrant on cloud storage accounts and discover no child pornography or artifacts thereof.
3. The Fourth Circuit held a five month delay between the underlying activity and the issuance of a search warrant was not stale when the agent's affidavit described the tendency of "individuals who possess or access with intent to view child pornography" to collect such material and hoard it for a long time. Such overruling, the Court stated, allowed the magistrate to infer Bosyk likely downloaded, stored, and kept child pornography.
4. The Fourth Circuit held the agent's affidavit provided probable cause that was not stale when the affidavit included "information about the habits of individuals who create and possess child pornography

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and the ability of law enforcement to recover images stored on and deleted from digital media.

5. The Fourth Circuit held that a 9 month delay did not preclude a finding of probable cause due to staleness when the affidavit conveyed (1) the tendency of individuals who intentionally access to collect child pornography, and (2) the materials electronic nature causing evidence of collection to be recoverable long after its deletion. The court reasoned such averments allowed the magistrate to infer CSAM would be located in the defendant's home months later.

6. The Fourth Circuit held that the agent's affidavit provided the magistrate with two substantial basis for concluding a search of the defendant's home would uncover evidence of wrongdoing: (1) the collector profile which allowed the magistrate to infer the defendant collected and retained CSAM and (2) the ability of law enforcement to retrieve deleted CSAM.

7. See Richardson, Bosyk, Ebert, Sanders, and Kuegar. All Five published Fourth Circuit

opinions on child pornography and staleness uphold the warrant in question due to an agent's sworn statements in an affidavit that describe (1) the tendency of child pornographers to rarely, if ever, dispose of their CSAM and (2) the ability of law enforcement to retrieve deleted data.

8. Agent Lorenzer's paragraph 9, subsection E avowment is boilerplate language designed to meet all of law enforcement's needs. Given her June 12, 2025 testimony, it is clear this "expert" portion of the affidavit was not drafted with the facts of this case or the target individual in mind.

9. IF it would be "very, very common" for the suspect to not have a collection of child pornography, then those statements are mere puffery designed to give an appearance of substance.

10. See Richardson, Bosyk, Ebert, Sanders, and Krueger.

11. Probable cause exists when there is a fair probability that contraband or evidence of

a crime will be found in a certain place. Agent Lorenzen's testimony that a search of the May home would very, very commonly not contain child pornography or artifacts of child pornography defeats probable cause.

12. Part of the probable cause determination is whether or not the information supporting the affidavit is stale. Agent Lorenzen's omissions render the underlying information in her probable cause affidavit stale.

13. The amount of time between the alleged CSAM activity on KK and the issuance of a search warrant for the May residence is comparable to the delay in the Richardson decision.

14. The facts within the probable cause affidavit must be truthful in the sense that the information put forth must be believed or appropriately accepted by the affiant as true.

15. See *US v. Webber*, 923 F.2d 1338 at 1334, 1335

UNITED STATES DISTRICT COURT

for the
District of South Carolina

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*
 Target Location and Target Individual as particularly
 described in attachment A to the search warrant affidavit
 of SA Britton Lorenzen dated August 1, 2024

Case No. 3:24-cr-00655

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *identify the person or describe the property to be searched and give its location*:

See description of Target Location and Target Individual in attachment A of the affidavit of HSI Special Agent Britton Lorenzen
 located in the _____ District of _____ South Carolina, there is now concealed *identify the person or describe the property to be seized*:

See description of things to be seized in attachment B to the affidavit of HSI Special Agent Britton Lorenzen

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 2252A(b)(5)	Possession of child pornography

The application is based on these facts:
 See attached affidavit of HSI Special Agent Britton Lorenzen

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days *(give exact ending date if more than 30 days)*; _____ is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet

Britton B. Lorenzen

Applicant's signature

Britton Lorenzen, Special Agent, HSI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by *video conference (FaceTime)* *app* *reliable electronic means*.

Date: *August 1, 2024*

Paige J. Gossett

Judge's signature

City and state: Columbia, South Carolina

Paige J. Gossett, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

In the Matter of the Search of the **Target Location** at 338 Lake Francis Drive, West Columbia, SC 29170 and the Person of **Target Individual**, Robert John May, III

Case No. 3:24-cr-00655

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Britton Baker Lorenzen, a Special Agent with Homeland Security Investigations (HSI), being first duly sworn, hereby depose and state as follows:

I. Introduction and Agent Background

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant of the premises known as 338 Lake Frances Drive, West Columbia, SC 29170 (**Target Location**), which is believed to contain evidence of possession of child pornography committed by Robert John May, III (**Target Individual**).¹ Attachment A of this affidavit further describes the **Target Location** and a description of **Target Individual**, date of birth October 18, 1996. Attachment B further describes the evidence sought pursuant to the proposed search warrant and believed to be located at the **Target Location**, and on devices associated with the **Target Location**, including a Samsung SM-G781U1 Android smart phone (**Target Phone #1**), any other mobile devices utilized by **Target Individual** that may be located on his person, or any electronic devices, including but not limited to desktop computers, laptop computers, computer hard drives, electronic storage mediums or any other electronic device that

¹ **Target Individual** currently serves as the South Carolina State Representative for House District 88 in Lexington County.

agents have information and/or a reasonable belief were in **Target Individual's** possession or control and/or were used as a means to violate the Target Offense and that could contain evidence of, fruits, and instrumentalities of violations of the Target Offense.

2. This affidavit is based upon my personal knowledge, experience, and training, and other information developed during the course of this investigation. This affidavit is also based upon information and experience imparted to me by other law enforcement officers. Because I am submitting this Affidavit for the limited purpose of demonstrating probable cause to search the **Target Location** and **Target Individual's** person, I have not included every fact known about this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that violations of Title 18, United States Code, Section 2252A(5)(B) (possession of child pornography) have been committed and that the **Target Location** and **Target Individual's** person contain evidence, fruits, and instrumentalities of this violation and contraband, as further described in Attachment B of this affidavit.

3. I am a Special Agent (SA) with Department of Homeland Security (DHS), Homeland Security Investigation (HSI) and have been so employed since October 2009. I am currently assigned to the Columbia Office and to the Internet Crimes Against Children (ICAC) Task Force. In this capacity, I have conducted multiple victim, witness, and subject interviews that involve on-line child sexual exploitation, child pornography, child sexual abuse, sextortion, and associated criminal activity. I have investigated federal criminal violations related to child sexual exploitation and child pornography.

4. I have participated in investigations in which perpetrators have used computers and mobile applications to commit violations involving the sexual exploitation of children. I have received training in the area of child pornography, child sexual abuse, and on-line sexual

exploitation. I have experience in observing and reviewing numerous examples of child pornography (as defined in 18 U.S.C. 2256) in all forms of media. These forms of media include computer media, magnetic storage media, and mobile applications in violation of state and federal laws, including variations of Title 18, U.S.C. 2252A(5)(B). I have also participated in numerous search warrants that involved child sexual exploitation and/or child pornography offenses. These investigations have led to arrests and convictions for violations of the federal code. As such, I am an "investigative or law enforcement officer" within the meaning of Title 18, United States Code, Section 2510(7), and empowered by federal law to investigate and make arrests for offenses enumerated in Section 2518 of Title 18 of the United States Code.

5. Prior to becoming a Special Agent with HSI, I was a Special Agent with the Department of Homeland Security, United States Secret Service (USSS) from 2004 to 2009 where I was assigned to the Computer Crimes Center and Protective Intelligence investigations. Previous to my employment with the Department of Homeland Security, I was a Criminal Investigator for the Spartanburg County Sheriff's Office from 2000 to 2004 where I was assigned to juvenile and sexual assault investigations. I completed the South Carolina Criminal Justice Academy which included training on various criminal matters.

6. Since this affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included every fact known to me concerning this investigation. Based on my training and experience and the facts set forth in this affidavit, there is probable cause to believe that evidence, fruits, and instrumentalities of the violation of Title 18, United States Code, Section 2252A(a)(5)(B) (Possession of Child Pornography) are located within the **Target Location**.

II. Target Offense

7. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C § 2252A(a)(5)(B) (Possession of Child Pornography) have been committed by **Target Individual**.

8. I respectfully submit there is probable cause to believe **Target Individual** violated § 2252A(a)(5)(B) because there is probable cause to believe his conduct satisfies all three elements of the statute: (1) First, **Target Individual** possessed or accessed with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contained an image of child pornography; (2) that had been mailed, or shipped or transported using any means or facility of interstate commerce or in or affecting interstate commerce by any means, including by computer, or was produced using materials that had been mailed, or shipped or transported in or affecting interstate commerce by any means, including by computer, and (3) Third, **Target Individual** acted knowingly.

9. Based on my training, experience, and consultation with experienced agents assigned to investigate child sexual exploitation and child pornography, I know the following:

- a. Persons who are involved with child pornography generally have other sexually explicit materials related to their interest in children, which may consist of photographs, motion pictures, videos, text material, computer graphics and digital or other images for their own sexual gratification, often including child erotica, which may consist of images or text writing involving sex with minors that do not rise to the level of child pornography but nonetheless fuel their deviant sexual fantasies involving minors. Such individuals are usually, but not always male. I am aware that this sort of material has been admitted in trials under Fed. R. Evid. 404(b) to prove such things as the possessor's knowledge, intent, motive, and identity and under Fed. R. Evid. 414 to prove the person has a sexual interest in minors.
- b. Individuals who collect child pornography often seek out like-minded individuals, either in person or on the Internet, to share information and trade depictions of child pornography and child erotica. They do this to gain status, trust, acceptance, and support and to increase their collection of illicit images and child erotica. The different Internet-based vehicles used by such individuals to communicate with each other include, but are not limited to, peer-to-peer (P2P) chat and file sharing

programs, e-mail, e-mail groups, bulletin boards, Internet Relay Chat (IRC), newsgroups, Internet clubs, and various forms of Instant Messaging such as Yahoo! Messaging, and "chat" that is sometimes saved on the user's computer or other digital storage media.

- c. Besides sexual photos of minors and child erotica, such individuals often produce and/or collect other written material on the subject of sexual activities with minors, which range from fantasy stories to medical, sociological, and psychological writings, which they save to understand and justify their illicit behavior and desires.
- d. Individuals who collect child pornography often collect, read, copy or maintain names, addresses, including e-mail addresses, phone numbers, and lists of persons who have advertised or otherwise made known in publications and on the Internet that they have similar sexual interests, or have child pornography and child erotica for sale or trade. These contacts are maintained for personal referral, exchange or, sometimes, commercial profit. They may maintain these names on computer storage devices, web sites or other Internet addresses, and their discovery can serve as leads to assist law enforcement in proving the instant case and in apprehending others involved in the underground trafficking of child pornography.
- e. As for staleness concerns, individuals who collect child pornography rarely, if ever, dispose of their sexually explicit materials and may go to great lengths to conceal and protect from discovery, theft, and damage their collections of illicit materials. The known desire of such individuals to retain child pornography, together with the sense of security afforded by using computers, provides probable cause to believe that computer images, especially child pornography and erotic nudity involving minors, will be retained by the collector indefinitely. These individuals may protect their illicit materials by passwords, encryption, and other security measures, save it on movable media such as CDs, DVDs, flash memory, thumb drives, and removable hard drives, which can be very small in size, including as small as a postage stamp, and easily secreted, or send it to third party image storage sites via the Internet.

III. Probable Cause

Background of Investigation

10. On May 27, 2024, KIK² sent CyberTipline Report 194328560 to the National Center for Missing and Exploited Children (NCMEC), regarding child pornography³ (hereafter referred to as child sex abuse material (CSAM)) being transmitted via the social media platform, by KIK user: "joebiden69" on March 31, 2024, at 04:36:53 UTC.

11. NCMEC flagged 50 files as CSAM. Some of the files were duplicated, however there are 28 different videos containing CSAM. All files were verified by the Electronic Service Provider (KIK) as CSAM and can be described as displaying female minors between the approximate ages of 8-12 years engaged in sexual activities. One video can be described as the following: Video - 2e35c341-16b9-4dae-9dd0-666a498c5180.mp4, MD5 Hash Value: bffd6c7ef51603a5942f1095003bfe86, 6.79 MB and 00:52 seconds in length depicts a minor female approximately eight (8) years of age performing oral sex on an adult male.

² MediaLab/Kik is a social media company based out of Los Angeles, California that operates the KIK Messenger Application. The KIK Messenger Application is a chat application that allows users to communicate, as well as share videos, and photographs both in group and person to person settings.

³ Outside of the legal system, NCMEC chooses to refer to child pornography images as Child Sexual Abuse Material (CSAM) to most accurately reflect what is depicted – the sexual abuse and exploitation of children. “Child Pornography”, as defined by congress, includes any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; (B) such visual depiction is a digital image, computer images, or computer-generated images that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct. 18 U.S.C § 2256(8).

12. The CyberTipline Report provided AT&T Internet Protocol (IP) address 162.234.188.43 (port 55950) as being used to download and share the CSAM. NCMEC geolocated ⁴ the IP address to West Columbia, SC (Lexington County). The South Carolina Attorney General's Office assigned the CyberTipline Report to the Lexington County Sheriff's Department in Lexington, SC.

13. On June 27, 2024, Detective Kevin Baum of the Lexington County Sheriff's Office obtained a state search warrant requesting all customer or subscriber information for the AT&T account associated with IP address 162.234.188.43 (port 55950). AT&T provided the billing party associated with IP address 162.234.188.43 is **Target Individual** and the service address is **Target Location**.

14. On June 27, 2024, Detective Baum obtained a South Carolina state court search warrant requesting the contents of KIK account related to username: "joebiden69". On July 12, 2024, KIK complied and provided the subscriber information for the account. The KIK user ""joebiden69" registered the account on March 30, 2024, at 01:42:44 UTC using a Samsung SM-G781U1 Android smart phone⁵ and provided an unconfirmed email:

⁴ Geolocation is the identification of the real-world geographic location of an object. This identification is done by generating a set of geographic coordinates such as latitude and longitude through GPS and using the coordinates to determine a meaningful location.

⁵ Kik Messenger stores the phone's make and model information using device identifiers and system information. When the user installs and uses Kik on their phone, the app collects various details about your device, which typically includes: (a) Device Information: This includes the make and model of the device, operating system version, device identifiers (such as the device ID and possibly IMEI), and other hardware characteristics. (b) System Information: Kik might collect system-related information such as the type of operating system, version number, mobile network information, and other technical details. This information is usually gathered during the app installation and whenever the app runs, allowing Kik to optimize the app's performance for different devices, troubleshoot issues, and provide relevant updates.

joehoe12368@gmail.com⁶. The above-referenced IP address (162.234.188.43) was also used to register the KIK account. The contents of the account also contained 265 videos displaying CSAM. One video can be described as MD5 Hash Tag:57faa941-9055-45cf-b3b9-c777ddec9574, 1.06 MB in size, and 00:08 seconds in length depicting an adult male using his penis to penetrate the vagina of a toddler female approximately three (3) years of age.

15. From March 30, 2024 until April 4, 2024, username "joebiden69" sent or received approximately 1,147 messages with other KIK users. The messages discussed trading CSAM with other users. On March 31, 2024 the following discussion occurred between "joebiden69" and another user:

joebiden69: Cheese⁷ trade?
johnthorton7300: Sure
johnthorton7300: Whatchu got
joebiden69: What ya want?
johnthorton7300: Anyone that in highschool
johnthorton7300: Anything like these
joebiden69: I don't have much of that. But lots of younger.

16. On April 4, 2024 the following discussion occurred between "joebiden69" and another user:

joebiden69: Send the good stuff. Mom daughter, mom son, fucking, and vids in English
joebiden69: Or girl boy fucking.
pcjames99: Okay
joebiden69: What's your preference?
pcjames99: Father daughter
pcjames99: You?
joebiden69: Father mom daughter
pcjames99: I don't™(sic) see many father mother daughter
pcjames99: Is there a good amount going around?
joebiden69: No
pcjames99: Actually I might have one lemme look
pcjames99: Do you have any age 6-12?

⁶ In response to a state search warrant sent to Google, Google indicated they had no records of this email address.

⁷ "Cheese" is a slang term that means money, cash, or currency.

joebidennnn69: Yeah. Isn't that what I sent?

17. On July 08, 2024, at approximately 3:00 PM, Detective Baum conducted physical surveillance at **Target Location** and observed two vehicles parked in the driveway. The first vehicle, a dark color pickup truck, was backed into the driveway and the license tag was not visible. The second vehicle, a black Chevrolet Suburban, was pulled into the driveway and Detective Baum noted South Carolina license tag REP90 on a State Legislator plate. In my experience such license tags are used by State Legislators or their families. A database check using the South Carolina Department of Vehicles (SCDMV) indicated that SC REP90 is registered to **Target Individual** and Elisabeth Ruth Slawson with **Target Location** listed as their address.

18. There is also evidence that **Target Individual** has access to children inside his home. Open-source databases show **Target Individual** reported an address of **Target Location**. Other residents include **Target Individual's** wife, Elisabeth Ruth Slawson, and two minor children. Further, a review of the Facebook page of **Target Individual's** campaign confirm **Target Individual** has a minor son who is approximately six years-old and a minor daughter who is approximately two years-old.

19. Based on my training and experience, I submit there is probable cause to believe that the **Target Location** contains evidence of violations of the target offense including on devices in **Target Individual's** possession.

Target Location

20. According to Lexington County property records, Elisabeth Slawson purchased the lot where **Target Location** stands for \$249,000 on September 22, 2015.

21. South Carolina Department of Motor Vehicle (SCDMV) records show **Target Individual** has two vehicles registered at **Target Location**, a 2017 Chevy Suburban with license tag, REP90, and a 2019 Dodge Ram with license tag 4305LN.

22. On July 29, 2024 at approximately 09:30 AM, I conducted surveillance at **Target Location** where I observed the same Chevrolet Suburban bearing SC REP90 that was observed by Det. Baum on July 8, 2024. I also observed a white Honda Accord bearing SC WDS844 parked in front of the residence. I do not have any reason to believe the Honda Accord belongs to a resident of **Target Location**. I also observed several large "RJ May" campaign signs leaned up against the right side of the residence.

23. Based on the facts set forth in this affidavit and my knowledge and experience, I submit there is probable cause to believe that **Target Individual** and his wife live at **Target Location**.

24. Based on the above and my training and experience, I further submit there is probable cause to believe the **Target Location** is used by **Target Individual** to store electronic devices containing evidence of the target offense.

IV. Conclusion and Requested Authority

25. Based on the above, I respectfully submit that there is probable cause to believe that the **Target Location** contains evidence of violations of the Target Offense. Accordingly, if the requested warrant is approved, I respectfully submit relevant and probative evidence will likely be recovered.

26. This warrant seeks permission to seize any computers, cellular phones, electronic storage media, and other electronic device, including but not limited to a Samsung SM-G781U1 Android smart phone (**Target Phone #1**), described in Attachment B, that are located within the Target Location, as described in Attachment A. If these computers, electronic storage mediums, and cellular phones are located and seized, a separate search warrant will be sought and applied for to request permission to conduct a forensic analysis on said phones, computers or storage mediums, where they can be more specifically described and identified.

27. I further request, by way of a separate motion and proposed Order to Seal and for the reasons stated in that motion, that the Court order that all documents related to this application, including the affidavit, be sealed until further order of the Court or from one year from the date of the sealing Order.

Assistant United States Attorney Scott Matthews has reviewed this affidavit.

I swear, under penalty of perjury, that the forgoing is true and correct to the best of my knowledge.

Respectfully Submitted,

Britton B. Lorenzen

Britton Baker Lorenzen
Special Agent
Homeland Security Investigations (HSI)

SWORN TO ME VIA TELEPHONE OR
OTHER RELIABLE ELECTRONIC MEANS
AND SIGNED BY ME PURSUANT TO
FED. R. CRIM. P. 4.1 AND 4(d) OR 41(d)(3),
AS APPLICABLE.

This 1st day of August, 2024
Columbia, South Carolina

Paige J. Gossett
The Honorable Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

Attachment A

Property to Be Searched

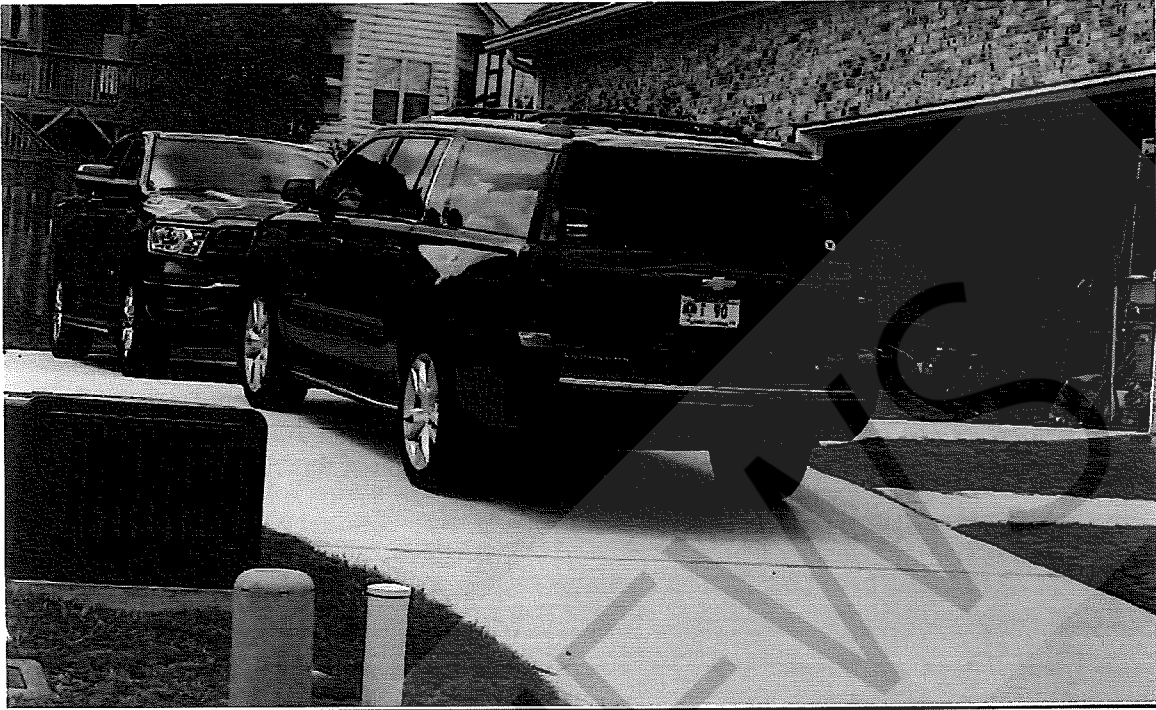
1. The entire property located at 338 Lake Frances Drive, West Columbia, South Carolina 29170 (**Target Location**), including the residential building, outbuildings, and appurtenances thereto. The Target Location is a two-story brick house. There is a black mailbox located to the left side of the residence next to the driveway closest to the road with the numbers "338" affixed on the front door of the mailbox. The residence is a mixed brick color of brown and beige and has black shutters on some of the windows of the home. The number "338" is displayed on the window casing of the bay window closest to the front porch located on the right side of the residence. There is an attached two car garage with a grayish door. The premises are located on Lake Frances Drive in the Lake Francis / The Shores neighborhood. A photograph of this residence is below:



2. Any vehicles linked to **Target Individual**, including the following vehicles pictured below that have been observed at the residence:

2019 Dodge Pick-up truck, VIN: 1C6SRFFT7KN727281, SC License Tag: 4305LN

2017 Chevrolet Suburban, VIN: 1GNSKJKCXHR140622, SC License Tag: REP90



3. As for **Target Individual**, Robert John May, III, the person to be searched is a West Columbia, S.C. resident who is the target of this investigation with a date of birth of October 18, 1986 and believed to be associated with **Target Location**, for papers, documents, things, and electronic devices described in Attachment B. Below is the S.C. DMV photograph of Robert John May, III:



Attachment B

Property to be Searched for and Seized

As for **Target Location** and **Target Individual**, this warrant authorizes law enforcement to search for and seize any and all evidence, contraband, fruits, or other items illegally possessed, or property designed for use, intended for use, or used in committing or facilitating violations of the Target Offense identified in this warrant, namely: 18 U.S.C. § 2252A(5)(B) (possession of child pornography), including but not limited to:

1. Computers, laptops, electronic devices, cellular phones, including but not limited to a Samsung SM-G781U1 Android smart phone (**Target Phone #1**), printers, thumb drives and external hard drives, or any other storage media found at **Target Location** or on person of **Target Individual** that agents have information and/or a reasonable belief may have been in **Target Individual's** possession or control and/or were used to facilitate or commit the violation described above. This warrant authorizes the seizure of such devices, but not the extraction of the same. If and when such devices are seized pursuant to this warrant, the Government will seek separate authority to search such devices as appropriate.
2. For any electronic storage media whose seizure is otherwise authorized by this warrant, and any computer or storage medium that contains or in which is stored records or information that is otherwise called for by this warrant:
3. Routers, modems, and network equipment used to connect computers to the Internet and records, information, and items relating to violations of the statutes described above including:
 - a. Records, information, and items relating to the occupancy or ownership of the **Target Location** or addressed correspondence;
 - b. Records, information, and items relating to the ownership or use of computer equipment found in the above residence, including sales receipts, bills for Internet access, and handwritten notes; and
 - c. Records and information relating to the identity or location of the persons suspected of violating the statutes described above.

As used above, the terms "records" and "information" include all forms of creation or storage, including any form of computer or electronic storage (such as hard disks or other media that can store data); any handmade form (such as writing); any mechanical form (such as printing or typing); and any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, or photocopies). The term "Device" or "computer" includes all types of electronic, magnetic, optical, electrochemical, or other high-speed data processing devices performing logical, arithmetic, or storage functions, including desktop computers, notebook computers, mobile phones, tablets, server computers, and network hardware.

The term "storage medium" includes any physical object upon which computer data can be recorded, including external and internal hard drives, flash drives, thumb drives, micro-SD cards, macro-SD cards, DVDs, gaming systems, SIM cards, cellular phones capable of storage,

floppy disks, compact discs, magnetic tapes, memory cards, memory chips, and other magnetic or optical media.

4. Books and magazines containing visual depictions of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256 or relating to the sexual exploitation of minors;

5. Originals, copies, and negatives of visual depictions of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256 or relating to the sexual exploitation of minors;

6. Motion pictures, films, videos, and other recordings of visual depictions of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256 or relating to the sexual exploitation of minors;

7. Any physical keys, encryption devices, dongles and similar physical items necessary to access computer equipment, storage devices or data;

8. Any and all adapters, chargers or other hardware items necessary to charge the battery, or to maintain the functioning of, any of the equipment described above; and

9. Records evidencing occupancy or ownership of the premises described above, including, but not limited to, utility and telephone bills, mail envelopes, or addressed correspondence;

10. Any data or materials establishing ownership, use or control of any computer equipment seized from **Target Location**.

AO 93C (08/18) Warrant by Telephone or Other Reliable Electronic Means

☒ Original☐ Duplicate Original

UNITED STATES DISTRICT COURT

for the

District of South Carolina



In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)Target Location and Target Individual as particularly
described in attachment A to the search warrant
affidavit of SA Britton Lorenzen dated August 1, 2024

Case No. 3:24-cr-00655

WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search and seizure
of the following person or property located in the _____ District of _____ South Carolina
(identify the person or describe the property to be searched and give its location):

See attachment A to the affidavit of HSI Special Agent Britton Lorenzen.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property
described above, and that such search will reveal (identify the person or describe the property to be seized):

See attachment B to the affidavit of HSI Special Agent Britton Lorenzen

YOU ARE COMMANDED to execute this warrant on or before August 15, 2024 (not to exceed 14 days)
☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the
person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the
property was taken.The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory
as required by law and promptly return this warrant and inventory to The Honorable Paige J. Gossett
(United States Magistrate Judge)☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C.
§ 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose
property, will be searched or seized (check the appropriate box)☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____Date and time issued: August 1, 20243:36 p.m.City and state: Columbia, South CarolinaPaige J. Gossett
Judge's signaturePaige J. Gossett, United States Magistrate Judge
Printed name and title

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

Executing officer's signature

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA,) CR. NO. 3:25-CR-778
) COLUMBIA, SC
) JUNE 12, 2025
)
VERSUS)
)
ROBERT JOHN MAY, III,)
A/K/A JOEBIDENNNN69)
A/K/A ERIC RENTLING,)
)
DEFENDANT.)

BEFORE THE HONORABLE SHIVA V. HODGES
UNITED STATES MAGISTRATE JUDGE
ARRAIGNMENT/DETENTION HEARING

APPEARANCES:

FOR THE GOVERNMENT: JONATHAN SCOTT MATTHEWS, AUSA
LAMAR FYALL, AUSA
UNITED STATES ATTORNEY'S OFFICE
1441 MAIN STREET
SUITE 500
COLUMBIA, SC 29201

FOR THE DEFENDANT: DAYNE CHRISTIAN PHILLIPS, ESQ.
PRICE BENOWITZ LLP
1614 TAYLOR STREET
SUITE D
COLUMBIA, SC 29201

COURT REPORTER: DEBRA R. BULL, RPR, CRR
UNITED STATES COURT REPORTER
315 SOUTH MCDUFFIE STREET
ANDERSON, SC 29624

STENOTYPE/COMPUTER-AIDED TRANSCRIPTION

*** **

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BRITTON BAKER LORENZO

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1 (Whereupon, the hearing commenced at 10:44 a.m.)

2 THE COURT: Please be seated. Good morning to
3 everyone. Got a couple of matters on the agenda for
4 this morning. The first is the case of United States
5 of America -- oh, we don't have our defendants here.
6 Are our defendants present? Right here. Do we have
7 Ms. Skuritch (phonetic)? She hasn't been brought up
8 yet?

9 UNKNOWN SPEAKER: Judge, that is mine, it is at
10 eleven. They say she is still on her way from Barnwell.

11 THE COURT: All right. The first case on the
12 agenda is the case of United States of America versus
13 Robert John May, III, criminal case number 3:25-778. We
14 are scheduled for an arraignment in Mr. May's case.

15 Mr. May, would you mind standing up for me,
16 sir? You are here for an arraignment. The purpose of
17 this hearing is to advise you of the charges against
18 you, to advise you of your rights, and to set the
19 conditions of your release, if any. This is not a
20 trial. You have got the right to remain silent, and
21 anything that you say can be used against you. Do you
22 understand those rights I just reviewed?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: You have also got the right to have
25 counsel represent you at every critical stage of the

1 proceeding, and if you can't afford an attorney, I can
2 appoint an attorney for you.

3 Counsel, if you would please state your name
4 for the record.

5 MR. PHILLIPS: Thank you, Your Honor, Dayne
6 Phillips, D-a-y-n-e, Phillips with two Ls, and I am
7 appearing for a special appearance today.

8 THE COURT: How long will you need to determine
9 whether you will be retained in this case?

10 MR. PHILLIPS: If I could have at least a week,
11 Your Honor, just to make sure.

12 THE COURT: All right. What I am going to do is
13 schedule a status of counsel hearing for two weeks out
14 to give you that time to figure out whether you are
15 going to be entering a notice of general appearance in
16 this case. So, we will do that -- let's see -- we
17 have got Court on the 24th, right? Well, let's
18 schedule it for almost two weeks out, Tuesday, June
19 24th, at ten a.m. What we will do is schedule s
20 status of counsel hearing. Mr. Phillips, if in the
21 interim you determine that you will be retained and will
22 enter a notice of general appearance converting your
23 special to a general appearance, then we will cancel
24 that hearing.

25 Mr. May, what that means is that if you don't

1 hire Mr. Phillips to represent you in this case and you
2 don't hire somebody else to represent you in this case,
3 then you are going to have to talk to me about what your
4 efforts are in finding counsel to represent you. And
5 if you can't afford an attorney, then I will have you
6 complete a financial affidavit to see whether you would
7 be entitled to the appointment of counsel.

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: So, hopefully, everything will work
10 out, we won't have to have those hearings, and
11 Mr. Phillips, if you choose, will continue to represent
12 you in this case.

13 All right. Very well. You have also got the
14 right to have me read formally out loud the Indictment
15 in this case. If you have already reviewed the
16 Indictment -- have you had an opportunity to review the
17 Indictment?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: You can waive me reading it formally
20 out loud if you understand --

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: -- the ten Counts against you.

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Would you like me to waive reading it
25 formally?

1 THE DEFENDANT: I would, Your Honor, yes,
2 ma'am.

3 THE COURT: All right. Very well. So, you
4 understand the ten Counts against you and the maximum
5 penalties you face if convicted?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: If you understand those charges
8 against you, I am happy to accept your plea of not
9 guilty, that is the only plea I can take from you today.
10 Mr. Phillips, if you would, please, retrieve this
11 plea sheet for Mr. May to sign indicating his
12 acknowledgment of a receipt of the copy of the
13 Indictment and his desire to enter a plea of not guilty.
14 Madame Clerk, if you would, please, publish the plea.

15 THE CLERK: May it please the Court. In the case
16 of the United States of America versus Robert John May,
17 III, criminal case 3:25-778, the Defendant, Robert
18 John May, III, acknowledges receipt of a copy of the
19 Indictment and after arraignment pleads not guilty in
20 open court. Signed by the Defendant, June 12th, 2024.

21 THE COURT: Very well. Your plea of not guilty
22 has been entered of record.

23 What is the Government's position on the matter
24 of detention or bond?

25 MR. MATTHEWS: Thank you, Your Honor, may it

1 please the Court. The Government moves for detention.
2 As Your Honor -- I don't know if Mr. Phillips intends
3 to ask for that hearing today, I will note that
4 pretrial services had a very limited opportunity to meet
5 with Mr. May and they have not made a recommendation.
6 Having said that, the Government is prepared to
7 proceed. We have provided a pretrial brief or a brief
8 in support of detention to Your Honor, we e-mailed
9 approximately an hour ago, and the Government is ready
10 to proceed today if Mr. May so chooses or we can
11 reschedule based on Your Honor's preference.

12 THE COURT: Very well.

13 Mr. May, the Government has moved for your
14 detention pending the resolution of the charges against
15 you. Before that can happen, you are entitled to a
16 detention hearing, at which time the Court decides
17 whether you are a risk of flight, or a danger to the
18 community, or whether there are bond conditions that can
19 guard against those risks. You have the right to have
20 your detention hearing once, so you want to make sure
21 you are in the best position to move forward with it as
22 possible. The Government has the right to ask for up
23 to three days to prepare for the hearing, you have a
24 right to ask for up to five days to prepare for the
25 hearing.

1 Alternatively, you can waive your right to have
2 your detention hearing scheduled with leave to come back
3 and ask for it to be scheduled at a later time. You
4 get one bite at the detention apple, so you want to make
5 sure you are in the best position to move forward with
6 it as possible. If you were to elect to have your
7 detention hearing now, and if I were to rule against
8 you, you could not come back down the road and say,
9 well, there are these other witnesses or this other
10 information that I wish to have presented and I would
11 like to come back to the Court. I will rule once and
12 then you are sort of stuck with the ruling. So, you
13 can elect to have your detention hearing now or later
14 and meaning scheduled for later or waived to come back
15 and ask for it to be scheduled later.

16 Mr. Phillips, have y'all had an opportunity to
17 review the detention hearing rights and would you like
18 another opportunity to speak with Mr. May?

19 MR. PHILLIPS: Could I have one more opportunity,
20 Your Honor?

21 THE COURT: Sure.

22 MR. PHILLIPS: Your Honor, he is ready.

23 THE COURT: Ready to proceed with a detention
24 hearing today?

25 MR. PHILLIPS: Yes, Your Honor.

1 THE COURT: Let me make sure we are all on the
2 same page. All right. Y'all understand, I believe
3 this is a -- there is a presumption that arises under
4 Title 18, United States Code, Section 3142(e)(3) because
5 it is an offense involving a minor victim under the
6 relevant statute for distribution of child pornography;
7 is that correct, Mr. -- is that correct with the
8 Government?

9 MR. MATTHEWS: Yes, Your Honor, it is a
10 presumption case.

11 THE COURT: Okay. Do you agree with that,
12 Mr. Phillips?

13 MR. PHILLIPS: As far as the statute with
14 presumption, yes, Your Honor, we do believe that we
15 can meet the burden and that there are conditions that
16 can reasonably assure his appearance in court.

17 THE COURT: Okay. Very well. The applicable
18 factors are contained in Title 18 of the United States
19 Code, Section 3142(g), and those are the ones that I
20 will be applying here today. If you would please call
21 your first witness.

22 MR. MATTHEWS: Thank you, Your Honor, may it
23 please the Court. The Government calls Special Agent
24 Britton Lorenzen with the Department of Homeland
25 Security -- Homeland Security's Investigation office.

1 Your Honor, pursuant to the Government's obligations
2 under Rule 26.2 and our obligations under the Jencks
3 Acts, we have a number of statements made by
4 Ms. Lorenzen, and they are voluminous, I am going to
5 hand those to Mr. Phillips for his aid regarding the
6 topics to which she will be testifying to. And, Your
7 Honor, if Your Honor requires or if Pretrial Services
8 requires, we have submitted a brief in support of the
9 Government's motion.

10 THE COURT: I read it.

11 MR. MATTHEWS: Thank you, Your Honor.

12 THE COURT: That is why I was delayed, I
13 apologize for the delay, but I was busy reading your
14 22-page brief that you submitted.

15 MR. MATTHEWS: Thank you, Your Honor.

16 THE COURT: And for y'all's information, Mr. May
17 was interviewed by the Pretrial Services office this
18 morning by Pretrial Services and I received an oral
19 report from the Pretrial Services Officer and a written
20 report has not been prepared, but I have received that
21 information, as well. Agent Lorenzen, if you will
22 please come forward to be sworn.

23 THE CLERK: Please raise your right hand, state
24 your name for the record, spelling your last name.

25 THE WITNESS: Special Agent Britton Baker

1 Lorenzen, L-o-r-e-n-z-e-n.

2 BRITTON BAKER LORENZEN, having been first duly
3 sworn, testified as follows:

4 THE COURT: Mr. Matthews.

5 MR. MATTHEWS: Thank you, Your Honor.

6 DIRECT EXAM

7 BY MR. MATTHEWS:

8 Q. Special Agent Lorenzen, could you please
9 introduce yourself to the Court and explain where you
10 are employed, how long you have been doing that, and
11 what some of your job duties entail?

12 A. I am a Special Agent with the Department of
13 Homeland Security. I previously was employed by the
14 Spartanburg County Sheriff's office from 2000 to 2004.
15 In 2004 I became employed with the U.S. Secret Service.
16 In 2009 I transferred over to Homeland Security
17 Investigations.

18 Q. Thank you.

19 Tell us, what are your primary areas of
20 responsibility as a Special Agent at Homeland Security?

21 A. I am a member of the Internet Crimes Against
22 Children's Task Force and I investigate crimes against
23 children, specifically child exploitation.

24 Q. Okay. And child exploitation also kind of more
25 generally falls under a term child pornography or CSAM,

1 can you please tell the Court what that is?

2 A. Yes. CSAM is child sexual assault material and
3 child pornography is an individual depiction of a minor
4 under the age of 18 in a sexual exploitation manner.

5 Q. Okay. And tell us, what is the National Center
6 for Missing and Exploited Children?

7 A. The National Center for Missing and Exploited
8 Children is also known as NCMEC, it is a private
9 nonprofit corporation whose mission is to help find
10 missing children, reduce the sexual exploitation of
11 children, and prevent child victimization.

12 Q. And as part of their roles and their functions as
13 an organization, do they produce something called
14 CyberTip?

15 A. Yes.

16 Q. Tell us what a CyberTip is.

17 A. CyberTip is a tip that NCMEC sends to the local
18 ICAC here in the region.

19 Q. When you say "ICAC," can you please, I think you
20 laid out what it was, but please tell us what you are
21 referring to.

22 A. Internet Crimes Against Children is what we refer
23 to as ICAC. A CyberTip is issued by NCMEC from the
24 information they received from an internet service
25 provider, in this case this would be from Kik, which is

1 a peer-to-peer application that was used to exchange
2 child pornography.

3 Q. Okay. So, I will ask you about what Kik is in a
4 minute, but the ICAC as you described it, is the --
5 based out of the South Carolina Attorney General's
6 office here in South Carolina?

7 A. Yes.

8 Q. Okay. And then once they receive a CyberTip,
9 what do they do with it?

10 A. They send a CyberTip to the ICAC affiliate in the
11 area that the CyberTip has been geolocated to by NCMEC.

12 Q. And they do that based on an internet protocol or
13 IP address?

14 A. Yes.

15 Q. What is an IP address?

16 A. An IP address is a digital address that is
17 assigned by an ISP, internet service provider, to
18 distinguish a specific location where you are able to
19 access the internet for your Wi-Fi.

20 Q. Okay. Would that apply to like a home address or
21 Wi-Fi network and also apply to a phone or other mobile
22 device?

23 A. Yes.

24 Q. Okay. Tell us what this application is you
25 mentioned, "Kik," what is that?

1 A. It is a mobile application used to communicate and
2 exchange different types of files with people using the
3 internet.

4 Q. Okay. So is that something you use on your
5 mobile device?

6 A. Yes.

7 Q. So, it is a file, a peer-to-peer file sharing
8 system?

9 A. Yes.

10 Q. You say they were based out of Los Angeles,
11 California?

12 A. Yes.

13 Q. Now, if somebody were to send child pornography
14 over the internet or via a Kik app, do CyberTips
15 sometimes get created to flag that distribution that are
16 sent out by Kik?

17 A. Yes.

18 Q. Now, I want to direct your attention to a
19 particular CyberTip from Kik that occurred or was sent
20 on May 27th, 2024. Can you tell us a little bit about
21 that CyberTip and how it came to law enforcement's
22 attention?

23 A. NCMEC indicated from the CyberTip that Kik user
24 joebidennnn69, joebidennnn spelled with four Ns,
25 distributed approximately 50 files containing child

1 pornography on March 31st.

2 Q. Of which year?

3 A. 2024.

4 Q. Okay. You said joebiden69 with four Ns, that
5 is joebiden all one word as the former president
6 spelled his name and then three additional Ns --

7 A. Yes.

8 Q. -- on top of that and then 69?

9 A. Yes.

10 Q. Okay. And so that was sent out on March 31st,
11 2024. Was there a particular IP address associated with
12 that CyberTip?

13 A. Yes. The IP address associated with the
14 distribution of the child pornography was 16223418843,
15 which is registered to an AT&T account.

16 Q. Out of which area?

17 A. West Columbia, South Carolina.

18 Q. And then once the South Carolina Attorney
19 General's office gets that, where do they send it or
20 what do they do with it?

21 A. They sent the CyberTip to the Lexington County
22 Sheriff's office to their ICAC affiliate.

23 Q. Because West Columbia is in Lexington County?

24 A. Correct.

25 Q. Now, what does Lexington County Sheriff's office

1 do once they receive it?

2 A. Lexington County Sheriff's office submitted a
3 search warrant to AT&T as well as Kik and Google.

4 Q. All right. Tell me about the AT&T search
5 warrant, where or what did that reveal and was it
6 complied with?

7 A. The search warrant returned user who downloaded
8 the child pornography was joebidenennn with the four Ns,
9 69, which was registered -- registered account on
10 March 30th using a Samsung model SM-G781U1 Android
11 smartphone and provided the email address
12 joehoe1238@gmail.com (sic) as the registered Gmail
13 address.

14 Q. Okay. Well, I think you answered regarding what
15 the Kik search warrant revealed, tell me about the AT&T
16 search warrant, specifically about that 162 IP address?

17 A. The 162 address, the billing party for that AT&T
18 internet was Robert May at his home address -- his home
19 address in West Columbia 338 Lake Francis Drive, West
20 Columbia, South Carolina.

21 Q. So the billing party associated with that IP
22 address used to send the child pornography is registered
23 to Robert John May, III?

24 A. Yes.

25 Q. Now, tell us, you were telling us about the

1 results of the Kik search warrant, if you could,
2 please, recap those results.

3 A. I apologize for that.

4 The Kik return user registered account for the
5 joebidennnn69 was registered on March 30th, 2024, using
6 a Samsung SM-G781U1 Android smartphone, provided the
7 unconfirmed email address of joehoel238@gmail.com.

8 Q. Was that joehoel2368?

9 A. 12368@gmail.com, yes.

10 Q. And so it gives you that or provides that
11 information, says it was used, did it say which IP
12 address was used to register that account?

13 A. Yes, it was the 16223418843, AT&T IP address
14 registered to Robert May at 338 Lake Francis Drive,
15 West Columbia, South Carolina.

16 Q. Using a very particular phone?

17 A. Yes, correct.

18 Q. Now that you have determined that, did you then
19 -- tell us about -- did you take any steps to confirm
20 whether Robert John May, III, actually lived at that 338
21 Lake Francis Drive address?

22 A. Yes. We conducted physical surveillance,
23 determined two vehicles parked in the driveway were
24 registered to Robert May and Beth Slawson, who is his
25 wife.

1 Q. Okay. And did you also check property records to
2 ensure they lived there?

3 A. Yes. Yes. Property records indicated that they
4 resided at that residence, as well as the South
5 Carolina Department of Motor Vehicle records indicated
6 that Beth Slawson and Robert May lived at that address.

7 Q. And using that information, did you then obtain a
8 federal search warrant for that premise at 338 Lake
9 Francis Drive?

10 A. Yes.

11 Q. Tell us about when you executed the search
12 warrant, were you able to locate any phones that
13 matched that Samsung SM-G781U1 description?

14 A. Yes. Located two cell phones at the residence in
15 the master bedroom.

16 Q. Tell us about where you found those.

17 A. The first phone we found was in the master bedroom
18 on the bedside table of the master bed, the side
19 closest to the bathroom next to a CPAP machine. The
20 second one was found on the other side of the bed on the
21 nightstand and it was -- that was Ms. Slawson's side of
22 the bed; the CPAP side of the machine belonged to
23 Mr. May.

24 Q. Did she acknowledge that was her phone on her side
25 of the bed as you described it?

1 A. Yes.

2 Q. Did Mr. May in turn acknowledge in writing that
3 the phone next to the CPAP machine was his phone?

4 A. Yes.

5 Q. Okay. And he did that in order for you to get a
6 number out of there for him?

7 A. Correct.

8 Q. Now, tell us, did you find any other electronics
9 there at the scene?

10 A. Yes. We located and seized roughly 30 other
11 devices and storage media.

12 Q. Tell us, did Mr. May -- did you confirm whether
13 he had a Wi-Fi address or a Wi-Fi network at his house?

14 A. Yes.

15 Q. Okay. And was that Wi-Fi network password
16 protected?

17 A. It was.

18 Q. Meaning that somebody would need to have the
19 password to the Wi-Fi network in order to log onto it?

20 A. Correct.

21 Q. Now, did you subsequently get a -- obtain a
22 federal search warrant for Mr. May's phone,
23 Ms. Lawson's phone, and these other electronic devices?

24 A. Yes.

25 Q. Tell us, did you find anything in Homeland

1 Security's examination of the phone, Mr. May's phone
2 that is, that would indicate the presence of a Kik
3 application or specifically the user joebidenennn with
4 four Ns 69?

5 A. Yes, we were able to determine that the Kik
6 application had been deleted off of his phone on April
7 4th, 2024, along with several other applications, as
8 well as a user dictionary for the SM phone, which
9 indicated commonly used wording and phrases such as
10 joebidenennn with four Ns as well as joehoe Gmail
11 account, 12368 Gmail -- at Gmail were also located on
12 the user dictionary of his cellphone.

13 Q. Did you find any other applications on the phone
14 other than the Kik?

15 A. Yes. We were able to determine that the
16 application Telegram, Mega and Loki or Sessions were
17 also on the phone and deleted the same day around the
18 same time that Kik was deleted.

19 Q. So, all of these apps were deleted at the same
20 time on April 4th, 2024?

21 A. Yes, within 20 seconds of one another.

22 Q. And you briefly described the user dictionary,
23 can you please explain to the Court what that is
24 exactly?

25 A. S user dictionary is found on the cellphone -- in

1 the structure files of a cellphone and it indicates,
2 saves commonly used words that are typed into the
3 cellphone and autopopulates throughout the time when you
4 are text messaging and maybe using your emails, as
5 well. But the phone is able to save those commonly
6 used phrases and words so you don't have to completely
7 type them in every time, it autopopulates.

8 Q. So, if you use a unique phrase like a nickname for
9 your spouse or your child, that would autofill, in other
10 words?

11 A. Yes.

12 Q. Okay. And those specific terms that were found
13 in the user dictionary were joebidennnn with four Ns and
14 joehoe12368@gmail.com?

15 A. Correct.

16 Q. Now, remind the Court again, if you would,
17 please, what are the significance of those terms?

18 A. Joebidennnn69 was the account name for the Kik
19 account that was distributing child pornography and the
20 email joehoe12368@gmail.com was the email that was used
21 to register the same Kik account.

22 Q. Okay. Now, in this examination of Mr. May's
23 phone, did you find, as of today's date, any child
24 pornography files on that phone?

25 A. Not on the device itself.

1 Q. Okay. But to be clear, you were sent child
2 pornography files by Kik meaning that those files were
3 belonging to or associated with the joebiden69 account?

4 A. Yes. Upon the service of the search warrant to
5 Kik, we were able to determine there were 220 unique
6 files containing child pornography in that joebiden69
7 account.

8 Q. And you mentioned that there were sometimes
9 duplicate files, the total number of files was
10 somewhere around 260 or so?

11 A. Two hundred sixty-five (265). We were able to
12 determine some of those files were duplicates, so we
13 determined that 220 unique files were child pornography.

14 Q. Now, did you conduct any other analysis of the
15 phone to reveal possibly how many times that phone had
16 connected to the Kik application or that account rather
17 had connected to the Kik application?

18 A. Yes, we were able to determine that the account
19 was used over 1,100 times.

20 Q. And that is from March 30th, 2024 until April
21 4th, 2024?

22 A. Yes, a five-day period.

23 Q. And does Kik provide chats or can you ---can Kik
24 users communicate with each other back and forth?

25 A. Yes.

1 Q. And did they, in response to the search warrant,
2 provide chats between joebidennnn and other users?

3 A. Yes, they did.

4 Q. And we will get to this later, but are some of
5 those or most of those chats explicit in nature
6 regarding CSAM material?

7 A. Yes.

8 Q. Now, you also -- you said that approximately
9 1,100 messages were sent, were you able to break that
10 down to figure out how many times Kik was accessed at
11 the home Wi-Fi network versus Mr. May's mobile Wi-Fi or
12 any other source?

13 A. Bear with me, I would have to look further in my
14 records, Mr. Matthews.

15 Q. Okay. But you were able to come up with a
16 breakdown with that?

17 A. Yes.

18 Q. That is included in the Government's motion or the
19 Government's brief in support of its motion here today
20 for Her Honor's consideration?

21 A. Yes.

22 Q. Tell us about Wi-Fi networks on phones. You
23 mentioned earlier that -- or rather IP addresses on
24 phones, did you attempt to verify through legal
25 process, including a federal search warrant, to Verizon

1 what Mr. May's particular phone, what IP addresses that
2 phone used?

3 A. Yes. We were able to determine there were five
4 specific IP addresses used on Mr. May's cellphone during
5 that time period.

6 Q. Okay. And so if that IP address is used or
7 accessed, that means that Mr. May's phone and only
8 Mr. May's phone was accessing the internet at that time?

9 A. Correct.

10 Q. And was Mr. May's phone password protected?

11 A. Yes.

12 Q. Okay. So that means somebody would have to have
13 a password to get into it?

14 A. Correct.

15 Q. Let's talk a bit about your search of Mr. May's
16 wife's cellphone. Were you able to search that?

17 A. Yes, we were.

18 Q. Did you find any indication of any Kik application
19 or anything on her phone to indicate she was involved in
20 the trade or possession of child pornography?

21 A. No, we did not find anything of that nature on
22 her phone.

23 Q. Tell us who is, as alleged in the Indictment,
24 Eric Rentling?

25 A. Eric Rentling is an alias that we were able to

1 determine belonged to Robert May. He used this alias
2 to chat with people on Facebook Messenger and to make
3 travel arrangements and use the email Eric Rentling at
4 Gmail dot com to sign up for PayPal account and various
5 different applications to include Telegram and Mega.

6 Q. So, he used this Eric Rentling persona to
7 register the Mega account that was on his phone and also
8 used it for PayPal?

9 A. Yes.

10 Q. And then did he also have an Eric Rentling Gmail
11 account or Facebook account?

12 A. Yes. That Eric Rentling@gmail.com was found in
13 the artifacts of the cellphone, as well. Along with
14 his RobertJohnMayIII@Gmail and
15 IvoryTuskConsulting@Gmail.com.

16 Q. Okay. Now, you said travel arrangements, did
17 you -- were you able to determine whether Mr. May or
18 Eric Rentling travelled out of the country any time in
19 the period of 2023 and 2024?

20 A. Yes.

21 Q. Tell us about where he travelled to.

22 A. We had records indicating that he travelled to
23 Bogota, I Colombia as well as Medellin, Colombia.

24 Q. And you were able to -- you searched all of the
25 devices that you found, did you locate anything of

1 interest? Your investigation on his laptop or phone
2 regarding his trips to the nation of Colombia, not the
3 city.

4 A. Yes, we were -- we located nine separate videos
5 of Robert May having sexual relationships with ladies
6 who appeared to be from Colombia who spoke Spanish and
7 who he was paying pesos to.

8 Q. Does he pay those ladies on camera?

9 A. Yes.

10 Q. And we say "ladies," you have done this
11 investigating of child pornography for 20 years and had
12 a chance to view the age of victims, just tell us any
13 of it that stuck out about these young women in terms of
14 their anatomy or physiology?

15 A. They looked fairly young. I personally think
16 that they could be under the age of 18 or right at 18.
17 We were not able to identify them; however, the --
18 their anatomy was smaller than a fully developed woman.

19 Q. By that you are referring to breasts?

20 A. Correct.

21 Q. Now, did Homeland Security make attempts in trips
22 by other officers to Medellin and the Medellin region to
23 find these young ladies and figure out who they were?

24 A. Yes, HSI -- two different offices from HSI
25 travelled to Medellin, Columbia for additional

1 investigation on an unrelated investigation, but also
2 spoke with all of their victims and tried to help
3 identify our victims or potential victims, excuse me.

4 Q. I'm sorry to cut you off. As of today's date,
5 have you been able to identify these victims or these
6 young ladies or verify whether they were under the age
7 of 18 or not?

8 A. No, not at this time.

9 Q. Now, you said there were messages sent from the
10 Eric Rentling Facebook account to these young ladies,
11 what was -- are they in Spanish?

12 A. Yes, they are in Spanish.

13 Q. What are the general topics of conversation?

14 A. The general topic was a meeting and asking about
15 payment. Certain hours they were able to videotape
16 their meetings and their dates.

17 Q. Okay. And you viewed those videos, you said
18 there were nine videos of three different young ladies?

19 A. Yes.

20 Q. And were you able to verify through Customs and
21 Border Protection records if -- and TSA records if
22 Mr. May had, in fact, flown into Bogota, Colombia during
23 the dates discussed in the messages?

24 A. Yes.

25 Q. And he did in fact fly there?

1 A. Yes, he did.

2 Q. So that is evidence you consider that Eric
3 Rentling is Robert John May, III?

4 A. Correct. Facebook profile for Eric Rentling also
5 resembles Mr. May from the back, the back side of his
6 head, his back and his hands.

7 Q. All right. Now, I am going to get the -- Judge
8 Hodges can consider a number of factors in determining
9 whether Mr. May should be detained pending trial. One
10 of those is the nature and circumstances of the offenses
11 charged, including whether these offenses involve minor
12 victims. Now, I am not -- these are graphic videos
13 that are alleged in the Indictment, is that safe to
14 say?

15 A. Yes, they are very graphic.

16 Q. And is it also fair to say they involve extremely
17 young children, including toddlers?

18 A. Yes.

19 Q. Okay. Now, I am going to ask you to describe
20 some of the Counts, just general descriptions, and I am
21 going to direct you to them just so the Court has an
22 idea of the content being sent from this joebidenennn
23 account. So, I am going to direct your attention to
24 Count 2, and, first of all, I will ask, these ten Counts
25 alleged in the Indictment, what IP addresses are these

1 videos sent from?

2 A. They are sent from 162 residential address, the
3 residence belonging to Robert May, as well as several
4 174 IP addresses that belong to Verizon wireless, which
5 is also associated with Mr. May's cellphone.

6 Q. And specifically, so they are sent from either
7 home address, one of the addresses associated with this
8 phone, and there are ten to consider -- or ten that have
9 been now attributable and an Indictment returned on, in
10 your investigation, were there more than ten
11 distributions?

12 A. Yes, there were over 400 distributions.

13 Q. In a five-day period?

14 A. A five-day period.

15 Q. Now, again, if you would, in general terms,
16 describe so the Court has an idea of the content of
17 these videos, Count number 2, please?

18 A. The video is 14 seconds in length and depicts an
19 adult male penetrating the vagina of a toddler female.
20 The toddler female is wincing, and has tears in her
21 eyes, and is clearly in pain.

22 Q. Okay. And you have viewed that video?

23 A. Yes.

24 Q. Okay. Now, I am going to direct your attention
25 to Count 4, as well. Now is that a compilation video

1 or collection of clips?

2 A. Yes.

3 Q. Okay. And tell us, generally, and please don't
4 describe all nine clips, but, generally, what do those
5 nine clips depict?

6 A. The nine clips depict various minor females
7 performing oral sex on various adult men's penises.

8 Q. And is there a message at the end of that video?

9 A. Yes, the message reads "greetz fly out to all the
10 little cocksuckers."

11 Q. And going through -- I think you said there were
12 examples of where his phone IP address had sent videos
13 and his home address, are counts 1 and 8 examples of
14 videos sent both on his phone and his residential IP
15 address?

16 A. Yes.

17 Q. All right. Now, I mentioned chats earlier
18 because one of the elements of this offense is that a
19 defendant knowingly sends child pornography and I
20 referenced whether these were sexually explicit in
21 nature. Have you considered a representative chat for
22 the Court's consideration here today regarding the
23 content that these users were discussing?

24 A. Yes.

25 Q. And is this particular example relevant to Count

1 10 of the Indictment, the user that was sent to?

2 A. Yes.

3 Q. Okay. Can you please begin and notate who is
4 reading what or who is saying -- typing what and tell us
5 about the conversation between joebidenennn and another
6 Kik user on or about April 4th, 2024.

7 A. On April 4th:

8 Joebidenennn asks: Send the good
9 stuff. Mom daughter, mom son
10 fucking, and vids in English. Or
11 girl boy fucking."

12 PCJames99: "Okay."

13 Joebidenennn69: "What is your
14 preference?"

15 PCJames99: "Father daughter.
16 You?"

17 Joebidenennn69: "Father mom
18 daughter."

19 PCJames: "I don't see many father
20 mother daughter."

21 PCJames again. "Is there a good
22 amount going around?"

23 Joebidenennn69: "No."

24 PCJames99: "Actually I might have
25 one, let me look."

1 PCJames again: "Do you have any
2 age 6 to 12?"

3 Joebidennnn69: "Yeah. Isn't that
4 what I have sent?"

5 Q. Okay. And generally speaking, are the
6 conversations between joebidennnn69 and the other Kik
7 users alleged in the Indictment all various forms of
8 discussions of child pornography and CSAM?

9 A. Yes.

10 Q. Do they use slang terms involving CSAM?

11 A. They do. They ask for cheese pizza.

12 Q. And that means?

13 A. Child pornography.

14 Q. Child pornography in your training and experience?

15 A. Correct.

16 Q. And some of them are more explicit than that?

17 A. Correct.

18 Q. Now, this is a difficult question to ask, but in
19 that chat you just read us there is reference to "father
20 mom daughter," things of that nature, there are other
21 references throughout chats to the concept of "bad dads"
22 or "bad moms."

23 A. Yes.

24 Q. What is that --

25 A. That --

1 Q. -- in your training and experience in?

2 A. In my training and experience, "bad dads, bad
3 moms" are moms and fathers having sex with their -- and
4 abusing their children or children they have access to.

5 Q. In your investigation, did you determine whether
6 Mr. May has children?

7 A. Yes.

8 Q. Are they both under the age of ten?

9 A. Yes.

10 Q. And is this the same category that joebidennnn69
11 expressed an interest in in receiving videos?

12 A. Yes.

13 Q. In your review of these materials, these videos,
14 do these videos depict toddlers and infant children
15 being abused?

16 A. Yes.

17 Q. One of the factors Her Honor can consider is the
18 weight of the evidence here. Did you -- we have
19 already kind of gone over the IP address and that
20 evidence and the presence of the deleted apps, the user
21 dictionary to indicate that joebidennnn is in fact R. J.
22 -- Robert John May, III, did you review his cellphone
23 to determine if any other communications were being made
24 that would indicate who possessed the phone at the time
25 that the CSAM videos were sent?

1 A. Yes. Some of the times these child pornography
2 videos were being distributed he was on the phone, on
3 his cellphone talking with his wife or called her right
4 before or after -- after he distributed the child porn.
5 Also was on the phone with some colleagues and also some
6 of his clients from his personal business, his private
7 business.

8 Q. Okay. Well, please touch on that for a minute.
9 Mr. May is a Legislator in the South Carolina House of
10 Representatives; is that correct?

11 A. Yes.

12 Q. Okay. And is he -- you said he runs a business,
13 tell us about his business.

14 A. He runs a business by the name of Ivory Tusk
15 Consultant. He consults on different campaigns around
16 the South Carolina GOP.

17 Q. And speaking of that, is there business related
18 to the -- or communications and actions taken on the
19 phone related to his business to Ivory Tusk Consulting
20 regarding South Carolina either elected legislators or
21 candidates for elected office?

22 A. Yes.

23 Q. Such as an example, any particular -- well, you
24 don't have to say which candidates he was working on
25 behalf of, but just generally things related to

1 campaign literature and things of that nature?

2 A. Yes. And conducting Facebook searches using his
3 Eric Rentling account he was searching for different
4 clients on his Facebook.

5 Q. And also legislation and other matters that were
6 currently being considered at the same time?

7 A. Yes.

8 Q. And those occur either simultaneously with or
9 around the same time that CSAM videos are sent?

10 A. Correct.

11 Q. Using either the home Wi-Fi address or his phone's
12 Wi-Fi address?

13 A. Correct.

14 Q. All right. Under that joebidenennn account.

15 Let's talk about personal texts and direct your
16 attention to texts that were sent April 1st, 2024,
17 regarding a discussion of amateurs and what appeared to
18 be a personal text with a contact in his phone, can you
19 tell us about that?

20 A. Under the April 1st Kik chat?

21 Q. Well, it was a chat regarding maybe the Easter
22 holiday at the same time?

23 A. Oh, yes, there was -- he sent a text message to
24 one of his -- the chat begins with -- he is on his Kik
25 account and he is talking about he asked, "How amateur

1 is amateur question mark." And then within a few
2 seconds he responds with, "Excellent," on the text
3 message using his cellphone. And then another second
4 later he sends a text message that says, "Hey, man,
5 Happy Easter." Within two minutes he sends a child
6 pornography file video using his Kik account.

7 Q. These dates that are alleged in the Indictment
8 around the period of March 30th, 2024 to April 4th,
9 2024, are those around when Easter was scheduled --
10 celebrated last year?

11 A. Yes.

12 Q. Is there also activity indicating that he is using
13 his Eric Rentling Facebook account at the same time to
14 make arrangements to travel to Colombia at the same time
15 these videos are sent?

16 A. Yes.

17 Q. Okay. Tell us, in your training and experience,
18 what is a hebephile?

19 A. A hebephile is a minor between the age of 11 and
20 15 approximately.

21 Q. Okay. Were you able to examine Mr. May's laptop
22 and determine if he used that laptop to search for
23 anything on the internet?

24 A. Yes. On April 4th, 2024, May used his laptop
25 in a Google search requesting "hebe," meaning -- h-e-b-e

1 -- hebephile meaning, and then he conducted a web
2 history using Wikipedia hebephilia.

3 Q. And is that in or around the time he was
4 discussing something similar with another Kik user?

5 A. Yes. Someone asked about hebe in the Kik chats,
6 chat wise, one of the other users asked if he had any
7 hebe files.

8 Q. One of the factors Her Honor can consider is the
9 history and characteristics of the defendant. One of
10 the factors you have touched on already is the fact that
11 Mr. May is gainfully employed and has young children.
12 At the same time he has been employed in his business,
13 was he also engaging in this kind of behavior that is
14 being alleged in the Indictment?

15 A. Yes.

16 Q. So these things are, as I think you have outlined,
17 that are occurring simultaneously discussing campaign,
18 state legislative business, at the same time as sending
19 child pornography?

20 A. Yes.

21 Q. And he does have children who are substantially of
22 the age as the expressed interest on these chats?

23 A. Correct.

24 THE COURT: Mr. Matthews, may I interrupt you?

25 MR. MATTHEWS: Yes.

1 THE COURT: Would you obtain a definition for
2 hebe for the record?

3 DIRECT EXAM CONTINUED

4 BY MR. MATTHEWS:

5 Q. Can you tell us what a hebe or hebephile is for
6 the record?

7 A. Hebe is the -- meaning is erotic preference for
8 prepubescent children roughly ages 12 to 14.

9 THE COURT: Pubescent?

10 THE WITNESS: Prepubescent.

11 DIRECT EXAM CONTINUED

12 BY MR. MATTHEWS:

13 Q. Would that be pubescent?

14 A. Oh, I'm sorry.

15 Q. If they are 12 to 14?

16 A. Yes, yes.

17 Q. Okay.

18 A. Excuse me.

19 Q. And that is in contrast to a different -- the
20 interest you have already expressed in prepubescent
21 children being discussed on these chats?

22 A. Correct.

23 Q. Indicating perhaps that is why he didn't know what
24 it was?

25 A. Correct.

1 Q. All right.

2 Her Honor can consider many factors here, one
3 is the weight of the evidence against this Defendant,
4 could you briefly recap for Her Honor some of the
5 evidence in this case to indicate that Robert John May,
6 III is the same person operating and using the
7 joebidennnn69 account?

8 A. Joebidennnn69 was registered using May's home
9 password protected IP address, using Samsung model
10 phone SM-G781U1. May had a Samsung -- same model
11 Samsung phone with a Kik app on it, which was on his
12 phone December 20, 2023, until it was deleted on April
13 4th, 2024. May --

14 Q. Briefly, if you would -- I am sorry to cut you
15 off. I don't think I asked you this previously, how
16 many people live in Mr. May's home?

17 A. Four.

18 Q. Okay. So it would be him, his wife, and two
19 children?

20 A. Correct.

21 Q. And I was asking you the use, in your
22 investigation, in evaluating the significance of the
23 password protected Wi-Fi network.

24 A. Correct, and password-protected phones.

25 Q. So, only four people live there and two

1 presumably old enough to access the Wi-Fi?

2 A. Correct.

3 Q. Continue please.

4 A. May's phone had the terms "joebidenennn" spelled
5 with four Ns and joehoel2368@gmail.com used in the user
6 dictionary of his cellphone. These are the same user
7 name and email addresses for the joebidenennn69 Kik
8 account. Counts 1 and 8 were sent from IP addresses
9 that matched the IP addresses used by Robert May's
10 cellphone. Counts 2 through 7 and 9 through 10 were
11 sent from May's IP address registered to his home.
12 May had possession of his phone during these
13 distributions as evidenced by his personal use of the
14 phone to call his wife and clients of the business, as
15 well as phone calls with legislative colleagues at the
16 same time or approximately the same time the
17 distributions of child pornography were made from the
18 joebidenennn69 account.

19 Q. Now, I would certainly never try to estimate what
20 guidelines our probation office would calculate, but
21 one of the factors to consider for Her Honor is the
22 length -- a lengthy period of incarceration if
23 convicted. I am not going to ask you about Mr. May's
24 guidelines, but I do want to ask you about some
25 potential aggravating factors. If you could recap the

1 contents of these videos, did any of them involve
2 prepubescent children?

3 A. Yes, they did.

4 Q. And do they also involve toddlers, infants,
5 and/or sadomasochistic violence?

6 A. Yes, as well as bestiality.

7 Q. As well as best -- was that one of the clips that
8 was considered?

9 A. Yes.

10 Q. And which clip was that?

11 A. It was in the compilation clip, one of the nine.

12 Q. Count 4?

13 A. In Count 4 showed bestiality as well.

14 Q. And, of course, also the use of a cellphone
15 being the use of a computer?

16 A. Yes.

17 Q. And you mentioned --

18 A. In Count 4 showed bestiality as well.

19 Q. And of course, also, the use of a cellphone
20 being the use of a computer?

21 A. Yes.

22 Q. And you mentioned the total number of videos was
23 what?

24 A. The unique videos was 220.

25 Q. So, that would correlate to a number of images?

1 A. Correct.

2 Q. Please touch, if you would, on ties outside the
3 United States that Mr. May may have or use of any
4 aliases or false documents, and specifically direct your
5 attention just to recap the evidence on the Eric
6 Rentling persona.

7 A. The Eric Rentling persona, which we have
8 determined belonged to Robert May, the Eric Rentling
9 persona had a Facebook page that he used to communicate
10 with various different people and individuals in the
11 country of Colombia to set up travel arrangements and
12 VRB areas and different places to stay. He was in
13 contact with various different people in Colombia and
14 those contacts were in his phone and he still had access
15 to them.

16 Q. So, you mentioned he had -- do you know how many
17 times he travelled to Colombia during that two-year
18 period or so?

19 A. I believe three or four.

20 Q. And the most recent was July of last year?

21 A. August.

22 Q. August?

23 A. Very end of July, very beginning of August 2024.

24 Q. To your knowledge, in your search of Mr. May's
25 home back in August of last year, does Mr. May possess

1 any firearms?

2 A. Yes.

3 Q. Do you know how many he possesses?

4 A. I do not remember, I was not in the room to
5 render them safe.

6 MR. MATTHEWS: Your Honor, may I have just a
7 moment, please?

8 THE COURT: Sure.

9 MR. MATTHEWS: Thank you, Special Agent Lorenzen.
10 Could you please answer any questions that Mr. Phillips
11 may have for you on cross-examination?

12 THE WITNESS: Yes.

13 THE COURT: Cross-examination.

14 MR. PHILLIPS: Thank you, Your Honor.

15 CROSS EXAM

16 BY MR. PHILLIPS:

17 Q. Good morning, Agent Lorenzen.

18 A. Good morning.

19 Q. So, out of the devices seized, there was no CSAM
20 material found?

21 A. Correct.

22 Q. Now, was there any artifacts related to CSAM
23 material found on any device?

24 A. No, just in the Kik account.

25 Q. Okay. So, out of the devices seized -- could

1 you run through the list of devices that you seized from
2 the home?

3 A. I do not have that in front of me, but there were
4 various cellphones, hard drives and different SD cards
5 and different other stored media devices.

6 Q. On every single device that was seized, there is
7 no CSAM material and there is no artifacts of CSAM
8 material?

9 A. Correct.

10 Q. Okay. So, everything is related to,
11 essentially, the Kik app in this case?

12 A. Yes.

13 Q. And you reference that the Kik app had been used
14 1,100 times within this four- to five-day window?

15 A. Correct.

16 Q. Through your investigation, did you check to see
17 whether during any of those 1,100 times there is any
18 inconsistencies with his text messages, or location, or
19 whereabouts as far as being inconsistent with somebody
20 that is able to post one of those 1,100 times for him
21 doing some other activity at that exact time?

22 A. We did not come across any inconsistencies such as
23 that.

24 Q. But have you looked for them? In other words,
25 for every 1,100 time occurrence through that four- to

1 five-day period, have you tried to match up because you
2 made, certainly, reference to that, that there is other
3 Facebook messages, there is other text messages going
4 on, have you went through to see whether there is any
5 inconsistencies that he is doing any other activity in a
6 location at the time that is inconsistent with being
7 able to post on the Kik app at that time?

8 A. Not -- we have not conducted a search of all 11
9 -- I believe 1,144 times he accessed the account, no,
10 we have not been able to do that yet.

11 Q. And when was that Kik app created?

12 A. March 30th, 2024.

13 Q. So, the Kik app itself was created on March 30th
14 and then deleted on April 4th?

15 A. I need to correct myself. He installed --
16 originally installed the Kik app in December of 2023.

17 Q. Okay. That is what I thought.

18 A. Yes.

19 Q. So, he installs this app on his phone, presumably
20 him, you are saying it is his phone, so you are saying
21 this app is installed on his cellphone on December 23rd,
22 is that what you said?

23 A. 2023, I don't know the exact date.

24 Q. So December of 2023?

25 A. Correct.

1 Q. Is there any activity in any of those groups until
2 that March 30th?

3 A. No. The way Kik maintains their files and their
4 group, the content of the groups is very difficult
5 unless you actually know the user name.

6 Q. But you are alleging that that specific user name
7 is connected -- is the nexus to Mr. May; is that
8 correct?

9 A. Correct. We were able to determine that user
10 name when NCMEC sent the CyberTip, so that is how we
11 were able to establish the user name and were able to
12 obtain the contents through a search warrant through Kik
13 because we did have a user name.

14 Q. So, you have all of the contents from December of
15 2023 up until the app was deleted?

16 A. No, we have the search warrant, it starts -- it
17 requested content from the CyberTip displaying -- when
18 it started from the CyberTip, it was some time in 2024.

19 Q. But prior to the March day of 31st, correct? The
20 tip itself came?

21 A. Yes. It was the tip itself -- bear with me, I
22 have it right here. The tip -- so, we have March 31,
23 so the search warrant would have been -- would have
24 requested content from March 31st through the current
25 time, which was, I believe, in June, the middle of June

1 . when the search warrant was issued to Kik.

2 Q. Now, you referenced about an alias and there was
3 a Facebook account and email with a PayPal account,
4 have you done any further investigation to confirm that
5 the PayPal account is set up to his bank account? Any
6 other nexus that is tied to him to this alias?

7 A. No, we did not find any other nexus.

8 Q. And so with that alias, is there any other
9 connection to him other than the fact that there is a
10 Facebook account? I believe it is Eric Rentling is the
11 alias name that has been provided by the Government, is
12 there any other connection to him and that alias
13 specifically?

14 A. The Facebook profile picture resembles Mr. May; it
15 is a picture of someone sitting on the beach from the
16 backside and it resembles Mr. May.

17 Q. And when you say it "resembles Mr. May," it is
18 the backside of a white male's head?

19 A. Yes, that looks very similar to Mr. May from
20 behind.

21 Q. What identifying characteristics?

22 A. The dark hair, broad shoulders, and his hands
23 were off to the side and they look very similar to
24 Mr. May's hands.

25 Q. All right. So, I mean, candidly, and, again,

1 you have done this a long time, you are under oath,
2 that is pure speculation, you couldn't say with any
3 degree of certainty that that is him?

4 A. I can't say 100 percent, no.

5 Q. Certainly. And so with these devices, was there
6 any other downloads, anything else that connects him to
7 CSAM material on any of the devices?

8 A. No.

9 Q. Now, as far as the search warrant that was
10 actually executed on the residence was on August 5th of
11 2024?

12 A. Correct.

13 Q. And it has now been ten months as far as this
14 investigation?

15 A. Correct.

16 Q. All right. And there was an interview with one
17 of his children?

18 A. Yes, there was a forensic interview.

19 Q. And there is no -- as far as the evaluation that
20 is done there, there is no evidence of any type of
21 child abuse that has been presented to the Government?

22 A. No, but the interview was one of the more unusual
23 interviews I have ever seen in the 20 years I have been
24 a part of these types of investigations.

25 Q. Well, I will be more specific: Did the child

1 indicate any abuse?

2 A. He did not indicate any abuse because he said he
3 wasn't supposed to talk about the pictures. He became
4 agitated, and began to slap himself, and then put tape
5 over his mouth.

6 Q. And so did he say he had any abuse? Again, it
7 has been ten months, when did this interview occur?

8 A. Last July perhaps. I would have to look at my
9 records.

10 Q. After August?

11 A. Yes, sir, it was after August.

12 Q. And so in this ten months that the investigation
13 has been ongoing, again, I understand with the
14 Government's motion they have summarized your report,
15 when did you have all of this information, for the most
16 part, that has been given to you, in terms of pretty
17 much a summary of your testimony, when had that pretty
18 much been solidified?

19 A. I had most of the information through Kik was
20 finally delivered to us by March and the findings from
21 the HSI investigators who travelled to Bogota and
22 Medellin both at the end of last month.

23 Q. Is he charged with anything related to Bogota?

24 A. No, sir.

25 Q. Is he charged with anything related to Colombia?

1 A. No, sir.

2 Q. You don't know the ages of these individuals in
3 the videos?

4 A. Correct, we were not able to identify them at
5 this time.

6 Q. And in the communications with the individuals
7 that you are saying is (sic) tied to the videos, is
8 there any reference to any age?

9 A. There was one reference to an age where he asked
10 how old the person was he was talking to, the response
11 was I was 17, he said, oh, that is young, but you can
12 still show me around.

13 Q. Okay. And you believe that is one of the
14 individuals in the video?

15 A. I can't say "yes" or "no" because we have not been
16 able to positively identify the females in the videos.

17 Q. She said she is 17, he says that is young?

18 A. Correct.

19 Q. But he says you can show me around?

20 A. Correct.

21 Q. You can't identify that person or have any other
22 type of evidentiary value connecting those videos that
23 are on the device to any individual communication
24 related to Colombia or Bogota?

25 A. No, sir.

1 Q. Now, in terms of the timing, again, as far as
2 the logins, there has not been a review to see if there
3 is any inconsistencies in terms of the timing? In other
4 words, if he is in one location doing something on a
5 device sending messages and then there is, at the exact
6 same time of those 1,100, you have not reviewed that to
7 see if there is any inconsistencies, have you?

8 A. We have not reviewed all 1,100 accesses.

9 Q. Now, as far as the user name and email addresses,
10 how were -- which device, was it solely the cellphone?

11 A. Oh, for joebidennnn the Kik account, that was
12 solely on the cellphone because it is a mobile app.
13 The email he received and checked email on his laptop,
14 as well.

15 Q. Are you talking about referencing his personal
16 email?

17 A. Personal email and Eric Rentling email, as well.

18 Q. Okay. The Eric Rentling email, as far as being
19 identified, is directly on his personal laptop?

20 A. Yes.

21 Q. Was there anything that is in that email that
22 connects him to child CSAM?

23 A. He used that email account to register for
24 additional applications, Telegram and Sessions.

25 Q. Anything that actually references CSAM or has any

1 connection to CSAM other than a reference to this Kik
2 app?

3 A. No, it just establishes the laptop and Eric
4 Rentling are one in the same.

5 Q. Was there anything else then related to his
6 personal email that connects him to any CSAM material?

7 A. No.

8 Q. So, everything just scope-wise is limited to this
9 four- to five-day period on this Kik app, is that fair
10 to say?

11 A. Correct.

12 Q. Okay. And as far as during the course of your
13 investigation, have you been provided anything from the
14 Government related to a picture that his wife had posted
15 on Facebook that had their Wi-Fi password in the
16 background on a chalkboard?

17 A. We never found that on her Facebook page, but we
18 did find a similar picture on her phone.

19 Q. Okay. That was potentially posted on social
20 media. Have you become aware of that during the course
21 of your investigation?

22 A. We have become aware of that, we did not find a
23 post from Facebook or we did find a very similar picture
24 of the description.

25 Q. And that dates back to 2023, as well as March of

1 2024 right before this?

2 A. Correct.

3 Q. All right. And, again, during the course of
4 your investigation, would it be fair to say that you
5 have come across -- that there are a significant amount
6 of people who do not like Mr. May?

7 A. There is (sic) a significant amount of people that
8 don't like me either, Mr. Phillips, so -- I don't
9 know. I don't follow social media or really politics
10 around South Carolina, so --

11 Q. So, there wasn't any investigation in terms of
12 that part --

13 A. No.

14 Q. -- as far as what you received on his phone? Did
15 you receive anything else? Any specifics about any
16 political enemies related to that that came up during
17 the course of your investigation?

18 A. No. Only what I have read in the newspaper here
19 and there.

20 Q. With the IP addresses, you referenced that there
21 were five specific IP addresses. Where are the
22 locations for all five IP addresses?

23 A. They are associated to his cellphone and the
24 authorizing mobile had issued those five IP addresses
25 attached to his phone number.

1 Q. So, you are saying that the five IP addresses are
2 all issued by the same service provider for that
3 specific phone, it is not one specific IP address, it
4 is five individual ones?

5 A. Correct.

6 Q. All right. And so as far as the five specific
7 IP addresses, was there one over the other that is
8 connected to this investigation specifically or is there
9 -- all five were used as far as what you are saying is
10 relevant to this investigation?

11 A. Four of them were used either to distribute or
12 receive messages on the Kik account.

13 Q. All right. And how could you determine how the
14 IP addresses are selected?

15 A. You would have to ask somebody from Verizon, they
16 call it natting IP. They assign multiple different
17 IP addresses to mobile devices. And during certain
18 times -- that would be a little technical over my head
19 as to how that is assigned, we just know that those
20 were assigned to him by Verizon -- to his cellphone by
21 Verizon Wireless.

22 Q. And you haven't been provided anything as far as
23 how those were individually used in terms of how
24 selected that the -- not specific IP addresses -- used
25 from that cellphone? In other words, how it is chosen?

1 A. Not how it is chosen, no.

2 MR. PHILLIPS: One moment, Your Honor.

3 THE COURT: Sure.

4 CROSS EXAM CONTINUED

5 BY MR. PHILLIPS:

6 Q. This alias account that you are referencing that
7 you are saying is a picture of Mr. May, was there any
8 metadata search or reverse image search related to that
9 picture to see because embedded -- in a criminal
10 investigation --

11 A. Correct.

12 Q. -- you understand what --

13 A. Correct.

14 Q. -- is embedded as far as metadata you will have
15 location, you will have a lot of different specifics
16 that will tie it to a specific device --

17 A. Correct.

18 Q. -- specific location. Was any of that done by
19 the Government?

20 A. No. There was no metadata found on that picture.

21 Q. Was there any metadata outside of or connected to
22 any device that connects him to CSAM material?

23 A. No.

24 MR. PHILLIPS: Nothing further, Your Honor.

25 THE COURT: All right.

1 Redirect?

2 MR. MATTHEWS: Thank you, Your Honor.

3 REDIRECT EXAM

4 BY MR. MATTHEWS:

5 Q. Special Agent Lorenzen, Mr. Phillips asked you if
6 there were any artifacts related to CSAM or CSAM
7 material found on the cellphone. There were apps that
8 were located that were deleted, correct?

9 A. That is correct, yes.

10 Q. So, meaning that a Kik app, a Telegram app, a
11 Sessions app, a Mega app had one time been downloaded
12 and used on that phone?

13 A. Correct.

14 Q. And you haven't testified much about Telegram and
15 Mega and Sessions, but since he asked you about that,
16 in your training and experience, have you ever
17 investigated cases where those apps are used to trade
18 and distribute CSAM?

19 A. Yes, they are encrypted apps and they are foreign
20 based so they are used a lot for distribution and
21 receipt of child pornography.

22 Q. And also Mr. Phillips asked you about whether any
23 of the files had been located and whether you had found
24 CSAM on any device. In your training and experience,
25 is it common for users and distributors of child

1 pornography to use anonymous names in their social media
2 platforms?

3 A. Yes.

4 Q. To avoid detection by law enforcement?

5 A. Correct.

6 Q. And are those sometimes multiple names used in
7 order to facilitate the transfer of CSAM and to avoid
8 detection?

9 A. Correct.

10 Q. And in your training and experience, do users of
11 mobile apps like this sometimes delete their accounts
12 after they have gratified themselves with the child
13 pornography?

14 A. Yes.

15 Q. Okay. So, it is not unusual for you to find
16 files that have been deleted?

17 A. Correct.

18 Q. All right. Now, I think Mr. Phillips was trying
19 to ask you when he asked about verifying or
20 inconsistencies, discrepancies, I think he may have
21 been referring to cell site location information meaning
22 where somebody physically was when a connection was made
23 to a cell tower. Did you submit a search warrant to
24 Verizon to attempt to obtain that information?

25 A. Yes, we did.

1 Q. And that was not provided, for lack of a better
2 term, in a usable form?

3 A. Correct.

4 Q. Where you could do a cell site mapping?

5 A. Yeah, we were not able to map it through Verizon.

6 Q. I'm sorry, go ahead.

7 He also asked you about whether you had been
8 through all 1,100 messages and other messages of his
9 phone to determine what IP address they came from. You
10 could have -- Kik provided you the IP?

11 A. Yes.

12 Q. Addresses that all the messages came from?

13 A. Yes.

14 Q. They either came from Mr. May's home, one of
15 those five addresses for his cellphone, or something
16 called a VPN. Tell us what a VPN is.

17 A. VPN is virtual private network. People use that
18 to mask their IP address so it doesn't revolve back to
19 their physical residence, their business, it keeps
20 them more anonymous.

21 Q. And at least two of the users that he sent CSAM
22 material to used VPNs themselves?

23 A. Correct.

24 Q. And that is what the Kik search warrant told you?

25 A. Correct.

1 Q. Mr. Phillips also asked about the difference
2 between the account and the user name or, you know, the
3 app itself I should say being on the phone versus the
4 user name. I think you answered this, but the app
5 itself was downloaded some time in December of 2023?

6 A. Correct.

7 Q. On Mr. May's phone, the Kik app?

8 A. Correct.

9 Q. Okay. And then that particular user,
10 joebidennnn69 was registered and started on March 30th,
11 2024?

12 A. Correct.

13 Q. And then the account and the app were both deleted
14 on April 4th, 2024?

15 A. Correct.

16 Q. All right.

17 Mr. Phillips asked you about CyberTips and how
18 long they take to register. The original CyberTip was
19 related to March 31st, 2024; is that right?

20 A. Correct.

21 Q. And it is not uncommon for that CyberTip to be
22 delayed?

23 A. No. The NCMEC received a CyberTip from Kik on May
24 27th, 2024. The South Carolina Attorney General's
25 office received the CyberTip on June 18th, 2024.

1 Lexington County Sheriff's Department received the said
2 CyberTip on June 26th, 2024.

3 Q. So, it is not instantaneous --

4 A. No.

5 Q. -- that the company sends it out and that law
6 enforcement gets it?

7 A. Correct.

8 Q. There is a little bit of a delay there, maybe in
9 this case two months?

10 A. Correct.

11 Q. Mr. Phillips also asked about naked pictures of a
12 child, specifically his son or actually asked about
13 abuse, allegations of abuse?

14 A. Correct.

15 Q. Did you in your examination of Mr. May's phone
16 locate naked pictures of his son?

17 A. Yes, we did.

18 Q. And to be clear, those images are not CSAM, are
19 they?

20 A. No.

21 Q. Or child pornography?

22 A. They are not defined as child pornography.

23 Q. But there was a sufficient number of them and the
24 photos were of such content you felt they needed to be
25 further investigated?

1 A. Yes. We submitted them to NCMEC to ensure that
2 they had not been shared for the purposes of child
3 pornography and self gratification of other users.

4 Q. And NCMEC did not return a match for the images?

5 A. Right, did not return a match.

6 Q. You have summarized briefly, but the forensic
7 interview was concerning but did not rise to the level
8 of abuse?

9 A. Correct.

10 Q. And can you recap just briefly what the statements
11 made by his son were regarding pictures when he was
12 asked about pictures?

13 A. When the forensic interviewer asked Mr. May's son
14 about pictures in a very innocuous manner asking about
15 pictures of a birthday party and Mr. May's son said he
16 didn't want to talk about it. The subject of pictures
17 came back around and he then said I am not supposed to
18 talk about pictures and started using his hands to
19 slightly slap himself. The third time pictures were
20 brought up by the forensic interviewer, Mr. May's son
21 found a piece of Scotch tape and placed it over his
22 mouth, and the interview ended at that point because the
23 forensic interviewer was concerned about the mental
24 health of the child at that time.

25 MR. MATTHEWS: Your Honor, may I have just a

1 moment?

2 THE COURT: Sure.

3 MR. MATTHEWS: Thank you, Special Agent Lorenzen.

4 I don't have any other questions.

5 THE COURT: Any recross?

6 MR. PHILLIPS: Thank you.

7 RECROSS EXAM

8 BY MR. PHILLIPS:

9 Q. Agent Lorenzen, you specifically mentioned these
10 other apps, were search warrants done on those apps?

11 A. No, sir. They are based in foreign countries and
12 they don't accept American court process.

13 Q. So, there is zero evidence related to those apps
14 connecting Mr. May to CSAM material?

15 A. Correct.

16 Q. All right.

17 As far as you talk about some generalities a
18 little bit about general cases of these things occur,
19 how often is it that you prefer -- execute a search
20 warrant and there is no CSAM material or artifacts on
21 any of the devices found?

22 A. Oh, it is very common.

23 Q. Very common?

24 A. Yes.

25 Q. So, if there is a search of federal cases that we

1 will find many, many cases where there is zero evidence
2 on any devices after execution of a search warrant?

3 A. With the technology of cloud-based systems, yes,
4 you are going to find that there -- commonly there are
5 not items actually saved on the camera roll of a phone.

6 Q. On device or artifacts. We can include the cloud
7 because you don't have any CSAM material in a cloud that
8 connects that to Mr. May; is that right?

9 A. Well, we can connect the Kik accounts with him,
10 which is essentially a cloud-based storage system for
11 their photos and their content.

12 Q. Yeah, but what you are referring to is say Google
13 Drive, Dropbox, that is generally referred to?

14 A. Correct.

15 Q. As, quote, unquote, the cloud?

16 A. All his CSAM and all his child pornography was
17 still in his Kik account, correct.

18 Q. As far as the allegations are concerned, correct?

19 A. Yes.

20 Q. That's right.

21 And so as far as execution of search warrants
22 either through a cloud service or through a direct
23 device, it is your testimony that it is very, very
24 common to -- have an execution of a search warrant in a
25 federal case and there be no CSAM material or artifacts

1 in any of that, either on the devices or in a cloud
2 storage?

3 A. Of federal and state, yes.

4 MR. PHILLIPS: Okay. Nothing further, Your
5 Honor.

6 THE COURT: All right. Any further need for
7 this witness to remain?

8 MR. MATTHEWS: No, Your Honor, that is the
9 presentation from the Government.

10 THE COURT: Okay. You may step down. Thank
11 you, Agent Lorenzen. No further witnesses from the
12 Government?

13 MR. MATTHEWS: No further witnesses.

14 THE COURT: All right.

15 Any witnesses on behalf of the Defendant?

16 MR. PHILLIPS: Your Honor, may I have one moment
17 to speak with his wife?

18 THE COURT: Sure.

19 (Whereupon, there was a pause in the record.)

20 THE COURT: Mr. Phillips.

21 MR. PHILLIPS: Your Honor, at this time we have
22 no further witnesses -- no witnesses, Your Honor.

23 THE COURT: No witnesses. All right. Very
24 well then, I am happy to hear from you on the arguments,
25 Mr. Matthews, if you would like to go first.

1 MR. MATTHEWS: Thank you, Your Honor. The
2 Government has submitted a brief in support of our
3 Motion for Detention that lays out the Government's
4 argument in detail, but I will briefly highlight some
5 of them regarding the factors that we ask Your Honor to
6 consider.

7 As Your Honor has noted again, and Mr. Phillips
8 acknowledged, this is a presumption case involving the
9 particular offense violation 18 USC 2252A(a)(2),
10 distribution of child pornography. The Government
11 submits that Mr. May has not rebutted that presumption.
12 Specifically, the concerns the Government have are both
13 related to the safety of any person in the community and
14 whether a bond could in fact ensure Mr. May's appearance
15 for trial.

16 I will begin with the safety of any person --
17 any other person in the community. Your Honor, what
18 the evidence that has been presented before you here
19 today shows that Mr. May in secret lived -- had a
20 lifestyle of using alias accounts on the internet.
21 First, the joebiden69 account related to Kik, the
22 Kik app, and also the Eric Rentling account, which he
23 used to travel in international commerce, which I will
24 address more on ensuring his appearance. But the chats
25 between other folks, other users of the Kik app

1 indicate that Mr. May had an interest in child
2 pornography, it was explicit. There is not much room
3 for interpretation, and not only that, there was a very
4 specific category of child pornography that Mr. May was
5 interested in that was -- the variation of child
6 pornography involving "bad moms, bad dads, bad
7 children," and the videos that have been highlighted for
8 Your Honor in the Government's Motion and are alleged in
9 the Grand Jury's Indictment are all related to children,
10 toddlers, infants that are of the same age or similar
11 age to Mr. May's children.

12 Your Honor, Mr. Phillips asked Special Agent
13 Lorenzen about steps taken by law enforcement to ensure
14 that no abuse had taken place. Law enforcement took
15 those appropriate steps by notifying the Department of
16 Social Services, having a forensic interview done.
17 The disclosure was not one that Mr. May could be charged
18 with as far as a state crime, no affirmative allegation
19 of abuse, but disturbing disclosures nonetheless.

20 Your Honor, those things combined, the
21 Government is concerned about Mr. May being a threat to
22 his children, but not only that, other minor children.
23 The content of the chats is such that there is
24 definitely a dark rabbit hole that those users have gone
25 down and the Government's concern is with what may begin

1 as just watching videos and sending messages could
2 escalate to actual abuse, particularly when these
3 videos and their specific content is geared towards
4 parents abusing their children.

5 Your Honor, we submit that the weight of the
6 evidence is strong. That the Department of Homeland
7 Security has determined that through various search
8 warrants and legal processes that the account or rather
9 the IP address he used to register the Kik account is
10 Mr. May's home IP address. It is significant because it
11 is password protected, there are only four people who
12 live in that residence: either Mr. May or his wife.
13 Kik also identified the very specific model phone used:
14 only two of those model phones were found and collected
15 in the residence, one of them belonged to Mr. May, the
16 other one belonged to his wife.

17 There is no evidence on the wife's phone to
18 indicate that she was involved in the distribution of
19 CSAM, but the Government submits there is abundant
20 evidence that Mr. May was involved. The presence of
21 deleted apps that were all deleted on the same date and
22 time, the user dictionary highlighting that the term
23 joebidenennnn with four Ns had been used in such a way
24 that it came up on a user dictionary. Not only that,
25 but the account -- the email account used to register

1 the joebiden account with Kik was
2 joehoe12368@gmail.com, a very specific term that would
3 not show up in a user dictionary unless somebody had
4 been typing it in.

5 Beyond that, Your Honor, there is user
6 attribution evidence that Your Honor can consider
7 regarding use of his phone. Even if somebody, somehow,
8 somehow came in and hacked in to Mr. May's home Wi-Fi
9 account, that same person would also have to have
10 access to his cellphone, which is password protected.
11 His cellphone was possessed by Mr. May, we know this
12 because he was using it to do things like call his wife,
13 text friends. He was using it for campaign business
14 through his consulting business. He was using it for
15 legislative business thereby indicating that the user of
16 that phone was, in fact, Robert John May, III at or
17 around the same time that he is sending CSAM videos.

18 Your Honor, I didn't ask Special Agent Lorenzen
19 this, but you can multitask on your phone, you can put
20 it on speaker, search the internet while talking to
21 somebody, and some of the videos that were sent were
22 done exactly when he was doing something else on his
23 phone, sending an email, talking with somebody on the
24 phone, texting. One person can certainly multitask on
25 their phone.

1 Your Honor, the evidence that we have presented
2 that conditions of bond may not reasonably assure the
3 appearance of the Defendant are his international ties:
4 he has travelled to the country of Colombia, the nation
5 of Colombia, at least three times. He has made
6 arrangements to stay at various hotels or Airbnbs in the
7 Medellin area, and he is engaged in sex work or paying
8 for sex work while he is there. While the Government
9 does not have evidence sufficient to proceed with a
10 criminal charge at this point that Mr. May had sex with
11 minors, it is the testimony of Special Agent Lorenzen
12 that Mr. May was having sex for money, paying money for
13 sex on videotape with women who -- or young ladies
14 rather who appear to be underdeveloped, did not have
15 fully developed breasts. And when that is combined with
16 his interest, expressed interest in child pornography
17 via the joebiden account, all those things are
18 certainly concerning regarding his danger to the
19 community, specifically his children, but also his
20 risk of flight knowing that he has these ties to the
21 nation and has visited as recently as July and August of
22 2024 the nation of Colombia.

23 Your Honor, he uses an alias or has used
24 aliases, this Eric Rentling persona: he has a Gmail
25 account, a Facebook account, a PayPal account. Those

1 are certainly items and accounts that could be used to
2 arrange to travel if he were seeking to attempt to flee
3 prosecution, so all of those things we ask Your Honor
4 to consider.

5 We touched on the presence of weapons in the
6 home, he does have weapons and, Your Honor, one of
7 the concerns is not just concern for Mr. May's children
8 and his family, but concern for himself. The concern
9 that he may self harm. I have highlighted for Your
10 Honor that a significant period of incarceration could
11 be in order if Mr. May is convicted. Guideline 2G2.2
12 outlines those guidelines. Certainly the probation
13 office will make a determination if and when there is a
14 conviction, but, Your Honor, it is a significant
15 sentence. The statutory period is five to 20 years and
16 the Government submits, based on some of the aggravating
17 factors laid out for Your Honor, that Mr. May's sentence
18 would be closer to the 20 year mark, the 240 month mark
19 than it would be to the five year mark. With
20 distribution it is a base level of 22, you add
21 additional levels, I believe, five levels for exchange
22 for valuable consideration.

23 Your Honor has seen in the memo exchanges were
24 made, send to receive, you know, five for five,
25 videos sent in exchange for other videos. They involve

1 prepubescent minors, but not only that, they involve
2 toddlers and sadomasochistic violence. Also
3 considering the number of images, 220 videos times 75
4 is way more than 600 images. So, Your Honor, all of
5 those things being considered, we submit that Mr. May
6 has not rebutted the presumption against detention and
7 our specific concerns, as laid out in exacting detail,
8 are that he is a danger to the community, specifically
9 to his children, and also that he is a risk of flight
10 and ask Your Honor to detain him pending trial.

11 THE COURT: Thank you, Mr. Matthews.

12 Mr. Phillips.

13 MR. PHILLIPS: Thank you, Your Honor. There are
14 a combination of conditions that will reasonably assure
15 his appearance in court and ensure the safety of the
16 community. Specifically, we can have not only
17 monitoring, home detention, any restrictions on travel
18 even from local level, as well as a removal of the
19 weapons. As far as the Government's position related to
20 the children, this investigation executed was -- the
21 search warrant was executed on the residence in August
22 of 2024, it has been ten months. He has had ten months
23 to make any specific decisions or -- for the Government
24 to have some type of evidence that he would try to flee
25 from prosecution. Instead, he has retained myself

1 during the investigation phase, as well as another
2 attorney from New York, Marc Mukasey, for the
3 investigation phase. We have been in constant contact
4 with the Government, had multiple meetings and
5 discussions with the Government. Not only did the
6 Government send out or it was presented, even through
7 the media, that there would be a pending indictment
8 potentially within months back in October, he, again,
9 no evidence that he would flee from prosecution. He
10 stayed in his residence of West Columbia. We had a
11 recent virtual meeting with the United States attorney's
12 office, they indicated they would be seeking an
13 indictment imminently. He has been made aware of that.
14 Again, he was found at his home. We had sent
15 correspondence to the Government saying that if an
16 indictment was issued that we would voluntarily
17 surrender; the Government chose not to notify us to
18 allow him to have that opportunity, but instead came
19 directly to his residence.

20 Again, there is exactly no competent evidence
21 to show that he would flee from prosecution and there is
22 a combination of conditions that would reasonably assure
23 his appearance in court with having monitoring, home
24 detention, travel restrictions, removal of the weapons.

25 With related to the discussions as far as the

1 child interview is concerned, there was, I believe, an
2 attorney represents them separate that had its own
3 issues with Agent Lorenzen. We are not going into that
4 today, but what we know, even from a state level
5 reference DSS, there was no emergency protective
6 custody issue. It is not whether there is even
7 probable cause to arrest him, but there is no specific
8 -- if there was any sufficient evidence, even from a
9 state level DSS, there would have been an emergency
10 protective custody hearing, there have been none of
11 those. He has been taking the children to school,
12 they have been going on trips to LEGOLAND, to be
13 specific, different things. He has been integral in
14 the home for this ten months. Retained counsel. I
15 understand I am here for a special appearance because we
16 weren't aware that the Government was going to pursue
17 the arrest yesterday. With that being said, I believe
18 that with those combination of conditions, we do meet
19 that rebuttable presumption that would reasonably assure
20 his presence in court and ensure the safety.

21 Another condition I forgot to mention is that
22 Your Honor can also instruct that he have no access to
23 the internet. So, again, with whatever special
24 conditions that Your Honor seeks to address, we
25 certainly have -- we voluntarily request that Your

1 Honor put every one of those restrictions, as well as no
2 access to internet to ensure that, one, he can help
3 prepare his defense. He has not tried in any way,
4 shape, or form in the last ten months, despite all the
5 conversations with the Government, to do anything that
6 would even a shred of evidence to show he is going to
7 flee from prosecution.

8 He is 38 years old, he has been married for
9 nine years. His wife is present, Your Honor. He does
10 have the two children in the home. He has a Master's
11 degree. What brought him to South Carolina 20 years ago
12 was he had a marine -- scholarship with the Marines
13 through the ROTC program at the University of South
14 Carolina. He has been in South Carolina for 20 years.
15 He has strong ties to the community. He has -- they
16 have a home, over these 20 years he has built a life, a
17 family, he has built a successful business. He has had
18 a successful political career. I understand with these
19 accusations he is presumed innocent, but his successful
20 business and political career are certainly at stake
21 with the nature of these allegations. Obviously,
22 there is media involved in this case. I understand that
23 there is many different things.

24 Another point of issue is that during the ten
25 months that this investigation is going on with him

1 being a Representative, he didn't miss one day at the
2 General Assembly. Again, if he was going to hide, if
3 he was going to run, there is zero evidence of that.
4 He attended every session of the General Assembly during
5 this investigation and had been in direct contact with
6 us as we have been in contact with the Government.

7 Again, based on that, I have to highlight, I
8 think the last major thing is, and I disagree strongly
9 with Agent Lorenzo's testimony is that it is common,
10 there is zero evidence found of any artifacts or CSAM
11 evidence found on any of the devices on any cloud.
12 This is limited to a very, in my opinion, a rare
13 situation of four to five days on a Kik account that
14 was, again, no evidence on any device seized, multiple
15 devices seized in the home, memory cards, laptops,
16 hard drives. No CSAM material connected to any of it,
17 no artifacts. Not any metadata or artifacts which
18 generally comes up in these types of cases that connect
19 Mr. May to CSAM material.

20 THE COURT: So, are you suggesting because the
21 presumption is that the -- there is no condition or
22 combination of conditions due to the nature of the
23 offenses charged, and I haven't heard any presentation
24 of evidence from the Defendant, you chose not to
25 provide a witness, is the argument that the -- this

1 four- or five-day period was an anomaly in Mr. May's
2 life or it was that somebody took control over his IP
3 address or front -- what is the theory of the case
4 here?

5 MR. PHILLIPS: To be specific, our question
6 directly to Agent Lorenzen was, during the course of
7 the investigation, is it known that there was a picture
8 that showed the Wi-Fi password because the Government
9 has been hanging on that this was a Wi-Fi protected
10 network. So, yes, our position is that it was not
11 Mr. May that had access to the account during that time
12 if that account is even directly -- again, I don't
13 have all of the evidence to understand, at this point,
14 to fully be able to address every specific issue that we
15 would like to be able to do, which is why I asked
16 questions related to the 1,100 incidents. And having
17 things happen simultaneously, which, in my opinion,
18 from a logistical standpoint, I don't know how there
19 can be, in one breath, communicating with individuals,
20 but also uploading CSAM, and as the Government tried to
21 present, gratifying himself, all three things happened
22 simultaneously.

23 As far as the location, the cell site location
24 data that we requested, they said the Government's issue
25 was they weren't able to read that document. Certainly

1 we will go through that -- conduct our own
2 investigation, but the defense theory is certainly that
3 he did not distribute child pornography. And the other
4 issues that were certainly presented shows that there is
5 a combination of conditions that would reasonably assure
6 his appearance.

7 THE COURT: Well, we don't get there --

8 MR. PHILLIPS: Understood.

9 THE COURT: -- until you overcome the
10 presumption. You have presented no evidence.

11 MR. PHILLIPS: I understand.

12 THE COURT: You have presented no defense
13 witness. So, you don't get to talk to me about
14 conditions until you have overcome the presumption, and,
15 you know, then rebut the presumption, and then we get to
16 talking about conditions. And so you kind of have to
17 -- you have to put the horse before the cart, right?

18 MR. PHILLIPS: Understood, Your Honor. So, I
19 guess, going specifically again to that, I understand
20 that with the rebuttable presumption to be as specific,
21 since, again, I don't have a direct witness as to the
22 defense other than that he was not the one who had
23 access at that time or used that user name or created
24 those user names. And, again, it is one of those
25 things where trying to disprove that someone hacked his

1 account or that it was some type of political enemy is
2 very difficult to produce a witness without having all
3 of the discovery for us to be able to conduct our own
4 independent --

5 THE COURT: You elected to have this Detention
6 Hearing today.

7 MR. PHILLIPS: And he and I discussed that, and
8 he understands that very nature. But I don't know if
9 it is a situation where within a small period of time we
10 would have been able to do that, as well. That is one
11 of the factors that he took into consideration.

12 THE COURT: So, he denies that he travelled to
13 Colombia as well. That this Eric Rentling is his -- it
14 is not just the images on the Kik account, you are
15 talking about the Mega, you are talking about the
16 PayPal, all of these other Telegram accounts.

17 MR. PHILLIPS: Certainly, Your Honor, I can
18 address that. Not only having no CSAM material on the
19 devices in the cloud, but as far as the Mega app, the
20 Government did no search warrants to those apps. There
21 is no CSAM material connected to any --

22 THE COURT: Well, they can't. They are foreign
23 owned. So, I mean, I signed a search warrant for
24 this.

25 MR. PHILLIPS: Understood.

1 THE COURT: Because TikTok is -- excuse me --
2 Kik is --

3 MR. PHILLIPS: There is no evidence -- that's
4 right, but there is no evidence with those apps
5 connecting him to it.

6 THE COURT: There is evidence that an individual
7 under the name -- under the alias of Eric Rentling
8 engaged in chats and discussions, travel, and engaged
9 with sex workers in Colombia over a period of several --
10 three to four times over last summer that corresponds,
11 I believe, to the time that Mr. May was out of the
12 country. Are you suggesting that that is just a
13 coincidence and that is not his alias either?

14 MR. PHILLIPS: Specifically, I just want to -- I
15 apologize, Your Honor, I just want to be as specific
16 as possible in my responses as far as Eric Rentley
17 (sic), I want to make sure --

18 THE COURT: Rentling.

19 MR. PHILLIPS: -- as far as providing that. As
20 far as the travel Colombia, specifically,
21 out-of-the-country travel --

22 THE COURT: Out-of-the-country travel to follow
23 up on the email communications with the nine ladies or
24 young women that he -- that are associated with the
25 account connected to his phone and laptop.

1 MR. PHILLIPS: And in regards to rebuttable
2 presumption and his -- the allegation of the
3 out-of-the-country travel with that not being tied
4 directly to the charge itself or no charges coming in
5 result of any of those allegations, as far as the
6 rebuttable presumption, trying to make sure as far as
7 the nexus to --

8 THE COURT: The nexus is, whoa, I have no idea
9 that there is child sexual abuse material on my phone
10 and I don't know how it got there, but meanwhile, back
11 at the ranch, there is this other account, email
12 address, PayPal, and Telegram, Mega, Gmail, Facebook
13 connected to this individual who the Government alleges
14 is your client using the alias Eric Rentling, who
15 coincidentally is travelling for sex in another country
16 at the same time that your client happens to be in that
17 country. That is the nexus is, I have no idea what is
18 going on, but there is some information evidence related
19 to the same type of prurient sexual interest that,
20 frankly, corroborates more closely the information
21 obtained from the Kik account over this four- to
22 five-day period than the denials of, I don't know how it
23 got there, or it is not on my phone, or it is not on
24 these devices.

25 I am wondering if you have anything to offer to

1 me in order to argue that the rebuttable presumption
2 does not apply? And if you don't, you don't, then I
3 am happy to rule. But I don't want to -- I want to
4 make sure that I don't miss any argument that you have
5 to make to the Court.

6 MR. PHILLIPS: The specific response, again,
7 would be that the out-of-country travel is completely,
8 in our opinion, distinct in terms of there are
9 individuals that they are saying are on these videos,
10 which, again, I have not seen, but with that being
11 said, these individuals, there is not an allegation
12 that they are underage. There is testimony that they
13 say appear to be young, but not enough for the
14 Government to make the indication that these individuals
15 were prepubescent or pubescent teenagers. That, again,
16 there was one specific communication referenced in
17 cross-examination that they are not able to tag
18 directly, even to those videos that the person said they
19 were 17 and his specific response was, well, that is
20 young. And that was just as far as being, again,
21 those communications were not directly related to sex
22 themselves or connected to those videos. So, our
23 position is that those videos do not support the
24 distribution of CSAM material specifically.

25 I don't believe there is any denying that he had

1 left the country during the period of time, certainly
2 not going to provide any type of misrepresentation on
3 that, but I believe there is certainly a
4 distinguishable or distinct connection of trying to say
5 that whether there was videos of him with women that
6 that correlates to the distribution of CSAM material
7 when there is none found on any of his devices.

8 And specifically related, I know you touched on
9 the PayPal account, that wasn't connected to his bank
10 account. There is, again, this alias as far as their
11 connection to that is they are saying the connection of
12 setting up specifically that -- the Kik account. And
13 so that is where I think the contention is that he did
14 not, at that point, have access to any type of account
15 to create that user name, did not create that user
16 name, and was not involved in the distribution of child
17 pornography.

18 THE COURT: All right. Thank you.

19 Any rebuttal?

20 MR. MATTHEWS: Your Honor, we just share Your
21 Honor's concerns about the extreme likelihood of a
22 coincidence. Your Honor has highlighted the
23 Government's evidence regarding the password protected
24 IP address, the use of his phone's IP address and how
25 for somebody else to have done this they would have had

1 to had access to his home, access to his password,
2 access to his phone. And as Your Honor highlighted,
3 that he travels outside the country at the same time
4 that somebody on his phone with PayPal account, Gmail
5 account, and Facebook account is also making
6 arrangements to travel to that same country to engage in
7 sex work to suggest that it is not Mr. May operating an
8 Eric Rentling account is not credible and we think the
9 strength of the evidence presented to Your Honor today
10 weighs in favor of detention.

11 THE COURT: Thank you.

12 Anything further? Anything further?

13 MR. PHILLIPS: Nothing, Your Honor.

14 THE COURT: Okay. All right. Having held a
15 hearing pursuant to Title 18, United States Code,
16 Section 3142, I find that the rebuttable presumption
17 that arises under Title 18, United States Code, Section
18 3142(e)(3) involving an offense -- ten offenses
19 involving minor victim under Title 18, United States
20 Code, Section 2252A(a)(2) and 2252A(b)(1), that that
21 rebuttable presumption that there is no condition or
22 combination of conditions that would reasonably assure
23 the appearance of the Defendant as required and the
24 safety of the community has not been overcome by the
25 Defendant because there is probable cause to believe

1 that he did commit one or more of those offenses.

2 The Defendant has failed to introduce sufficient
3 evidence to rebut that presumption and detention can be
4 ordered on that basis alone.

5 Independently, I find, having considered the
6 factors set forth in Title 18 of the United States Code,
7 Section 3142(g), that there is no condition or
8 combination of conditions of release that would guard
9 against the risk of flight and a danger to the
10 community. Specifically, I make my findings as to the
11 safety of the community by clear and convincing evidence
12 and by a preponderance of the evidence that there is no
13 condition or combination of conditions of release that
14 would reasonably assure the Defendant's appearance as
15 required.

16 The findings that I make on the record I am
17 going to incorporate by reference into my Order of
18 Detention pending trial, which I anticipate putting on
19 the docket later on this afternoon. But, specifically,
20 the main findings or reasons are the weight of the
21 evidence against the Defendant being strong; the lengthy
22 period of incarceration, if he were convicted; the
23 significant ties outside of the United States,
24 specifically Colombia and South America; his use of
25 aliases; and the fact that the background information is

1 unknown or unverified.

2 Specifically, the weight against -- the weight
3 of the evidence against Mr. May is significant, it is
4 very strong. Homeland Security Agent -- Special Agent
5 Britton Lorenzen testified as to the investigation into
6 the Defendant. Law enforcement received a CyberTip
7 here locally on -- around June 18th, 2024, concerning
8 50 files of child sexual abuse material, CSAM,
9 distributed on March 31st, 2024. That Kik user
10 joebidennnn with four Ns 69 using a Samsung SM-G781U1
11 phone, and using an AT&T IP address registered to Robert
12 May at his West Columbia residence. Law enforcement
13 confirmed the residence was Mr. May's using property
14 records and two cars registered to the Defendant and his
15 wife.

16 A search warrant executed at his residence on
17 June 27th, 2024, resulted in the seizure of two phones
18 that were password protected using password protected
19 internet service. Law enforcement obtained a federal
20 search warrant for the contents of that Samsung G --
21 SM-G781U (sic) phone that revealed Kik, Telegram, Mega,
22 and Loki apps had been deleted on April 4th, 2024.
23 While CSAM was stored locally on the Samsung phone, law
24 enforcement's analysis revealed 220 unique CSAM files
25 had been sent through that Kik account using the

1 joebiden69 user name. This account had been used
2 over 1,100 times over near a five day period of March
3 31st to April 4th, 2024, even though the Kik app had
4 been installed a few months prior on December 2023.

5 There were no CSAM or Kik applications revealed
6 on Mr. May's wife's phone. And there were only four
7 people who lived in that residence, including the two
8 minor children, who I do not believe were using the Kik
9 account.

10 The Defendant appears to have used the alias
11 Eric Rentling to register Mega Gmail, Facebook, and
12 PayPal accounts along with travel arrangements in the
13 Eric Rentling's name. Coincidentally or maybe not,
14 Mr. May travelled to Bogota and Medellin in Colombia
15 over the course of some three or four times and these
16 resulted in some nine separate videos of what is
17 believed to be Mr. May engaging in prostitution with the
18 young ladies whose anatomy appear to reflect their age
19 of under 18.

20 Mr. Phillips, would you like to hear my ruling
21 or is your conversation more important?

22 MR. PHILLIPS: It is not more important, Your
23 Honor.

24 THE COURT: Thank you.

25 Messages between Mr. Rentling and the lake --

1 nine ladies discuss the prostitution meet-ups. Law
2 enforcement recovered over 500 distributions of CSAM by
3 the Defendant, though they -- the Federal Government
4 currently has only charged ten Counts against Mr. May.
5 The Counts are connected to the IP address of his home
6 or his phone through Verizon.

7 These distributions include videos involving
8 sexually explicit chats and images involving
9 prepubescent minors. The chats include a
10 representation of Kik user joebiden69's preference to
11 CSAM involving, quote, father, mom, daughter, end
12 quote; bad dads, bad moms, which Agent Lorenzen
13 indicated an interest in CSAM of fathers and mothers
14 sexually abusing their own children.

15 Some of the time it appears the Defendant used
16 -- was using his phone for distribution of CSAM, he was
17 also simultaneously using the phone to communicate with
18 his wife and for his business, Ivory Tusk Consulting,
19 including conducting research for legislation and
20 sending "happy Easter" text messages to his friend.

21 I will note that simultaneous use of
22 applications on a phone is not surprising and I don't
23 find it unusual that one would be able to simultaneously
24 do one activity as another. As we have been sitting
25 here listening to testimony, I have been taking notes,

1 I have been rescheduling other hearings, I have been
2 communicating with my law clerk, but I don't think that
3 is a big leap to think that one uses a phone for
4 multiple purposes at the same time.

5 On April 4th, 2024, Mr. May's laptop was --
6 his laptop searched for the meaning of "hebe," which is
7 erotic preference for pubescent children after the term
8 arose in Kik messages and that laptop also connected to
9 the Eric Rentling accounts according to the testimony of
10 Special Agent Lorenzen. Images obtained from those Kik
11 accounts include CSAM of prepubescent minors,
12 sadomasochism and bestiality, and the Eric Rentling
13 account was used for international travel for sex
14 purposes for at least three or four times to Colombia.

15 The search warrant also revealed the presence of
16 firearms at Mr. May's residence. And his phone
17 contained naked pictures of his own son, which did not
18 appear as CSAM, but which led law enforcement to have a
19 forensic interview conducted of his son. And when he
20 was asked about pictures related to a birthday party,
21 he appears to have shut down, said he was not supposed
22 to talk about pictures, slapped his own face or head,
23 and ultimately the third time when he was asked about
24 pictures, he obtained Scotch tape and put it over his
25 mouth leading to the conclusion of the forensic

1 interview for fear of his mental health being perhaps
2 further harmed.

3 I am concerned about the danger to the
4 community, specifically to Mr. May's own minor
5 children, as well as to other children who are
6 somebody's children. He is subject to a lengthy period
7 of incarceration if convicted: he is facing five to 20
8 years and the Government's information leads them to
9 submit that he is facing closer to the 20 years, the
10 240 month guideline range, given that the images lead to
11 potentially heightened penalties including for
12 distribution for the age of the children or for the
13 number of images and for the types of images, including
14 the sadomasochism, bestiality, and so on.

15 As I mentioned, he has significant ties outside
16 of the United States: Colombia, South America. He
17 appears to have used aliases and false documentation
18 concerning his legitimate identity, and as I mentioned,
19 background information has been unverified by the
20 probation office.

21 So, for all of those reasons, I find that
22 detention is appropriate. I will enter an Order of
23 Detention later today. You are welcome to appeal that
24 ruling to the presiding district judge on this case who
25 has not yet been determined. The case has not yet been

1 assigned to a district judge.

2 That is my ruling. Anything further from the
3 Government?

4 MR. MATTHEWS: No, Your Honor.

5 THE COURT: Anything further from the Defendant?

6 MR. PHILLIPS: No, Your Honor.

7 THE COURT: All right. Best of luck to you.

8 (Whereupon, at 12:p.m., 45 the hearing concluded.)

9 CERTIFICATE

10
11
12 I certify that the foregoing is a correct transcript
13 from the official electronic sound recording tape number
14 221 of the proceedings in the above-entitled matter.
15

16
17
18 S/Debra R. Bull

July 2, 2025
Date