



OFFICE OF THE DISTRICT ATTORNEY
Adams County Courthouse
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Gettysburg, Pennsylvania
17325

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*****PRESS RELEASE***PRESS RELEASE***PRESS RELEASE*****

**FOR IMMEDIATE RELEASE
June 5, 2020**

**Contact: Brian R. Sinnett, District Attorney
Adams County
Office (717)337-9840**

CHARGES FILED IN CHILD PORNOGRAPHY CASE

Adams County District Attorney Brian Sinnett announced today that charges have been filed against David Anthony Valenca, 22, of Greencastle, Pennsylvania for Possession and Dissemination of Child Pornography. *Please see attached Criminal Complaint and Affidavit of Probable Cause.* This investigation was led and charges were filed by Adams County Detective Eric Beyer, of the Adams County District Attorney's Office. Detective Beyer was assisted by members of the Eastern Adams Regional Police Department, the Pennsylvania Office of Attorney General and the Homeland Security Investigations Division. District Attorney Sinnett wishes to thank all the collaborating agencies for their help in this investigation.

District Attorney Sinnett indicated, "This office remains committed to the investigation, prosecution and efforts towards eradication of the sexual abuse of children which continues to occur far too frequently in our community. All available resources, technology, and collaborative efforts will be used in this endeavor."

In this case, as with all criminal cases, the defendant is presumed innocent until proven guilty.

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COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: Adams



**POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.**

Magisterial District Number: 51-3-03
MDJ: Hon. Tony J. Little
Address: 40 Church Road
East Berlin, PA 17316
Telephone: (717) 337-5770

DEFENDANT: (NAME and ADDRESS):
David Anthony Valencia II
First Name Middle Name Last Name Gen.
41 N. Allison Street
Greencastle, PA 17225

NCIC Extradition Code Type

- 1-Felony Full
- 2-Felony Ltd.
- 3-Felony Surrounding States
- 4-Felony No Ext.
- 5-Felony Pend.
- 6-Felony Pend. Extradition Determ.
- A-Misdemeanor Full
- B-Misdemeanor Limited
- C-Misdemeanor Surrounding States
- D-Misdemeanor No Extradition
- E-Misdemeanor Pending
- F-Misdemeanor Pending Extradition Determ.
- Distance: _____

DEFENDANT IDENTIFICATION INFORMATION

Docket Number <u>CR-125-20</u>	Date Filed <u>6/14/2020</u>	OTN/LiveScan Number <u>4879942-0</u>	Complaint/Incident Number <u>DA2020-23ICAC</u>	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB <u>9/21/1997</u>	POB <u>Pennsylvania</u>	Add'l DOB / /	Co-Defendant(s) <input type="checkbox"/>		
AKA		First Name	Middle Name	Last Name		
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Hispanic	<input type="checkbox"/> Asian	<input type="checkbox"/> Black	<input type="checkbox"/> Native American	<input type="checkbox"/> Unknown		
ETHNICITY <input type="checkbox"/> Hispanic	<input checked="" type="checkbox"/> Non-Hispanic		<input type="checkbox"/> Unknown			
HAIR COLOR	<input type="checkbox"/> GRY (Gray)	<input type="checkbox"/> RED (Red/Aubn.)	<input type="checkbox"/> SDY (Sandy)	<input type="checkbox"/> BLU (Blue)	<input type="checkbox"/> PLE (Purple)	<input checked="" type="checkbox"/> BRO (Brown)
	<input type="checkbox"/> BLK (Black)	<input type="checkbox"/> ONG (Orange)	<input type="checkbox"/> WHI (White)	<input type="checkbox"/> XXX (Unk./Bald)	<input type="checkbox"/> GRN (Green)	<input type="checkbox"/> PNK (Pink)
	<input type="checkbox"/> BLN (Blonde / Strawberry)					
EYE COLOR	<input type="checkbox"/> BLK (Black)	<input type="checkbox"/> BLU (Blue)	<input checked="" type="checkbox"/> BRO (Brown)	<input type="checkbox"/> GRN (Green)	<input type="checkbox"/> GRY (Gray)	
	<input type="checkbox"/> HAZ (Hazel)	<input type="checkbox"/> MAR (Maroon)	<input type="checkbox"/> PNK (Pink)	<input type="checkbox"/> MUL (Multicolored)	<input type="checkbox"/> XXX (Unknown)	
DNA	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DNA Location			WEIGHT (lbs.)	
FBI Number		MNU Number		145		
Defendant Fingerprinted	<input type="checkbox"/> YES <input type="checkbox"/> NO				Ft. HEIGHT in.	
Fingerprint Classification:				5	7	

DEFENDANT VEHICLE INFORMATION

Plate # <u>ZLL2823</u>	State <u>PA</u>	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY) <u>2 / 20</u>	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
VIN <u>1B7GG11X1YS56450</u>	Year <u>2000</u>	Make <u>Dodge</u>	Model	Style <u>Tk</u>	Color <u>White</u>		

Office of the attorney for the Commonwealth Approved Disapproved because: _____

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

(Name of the attorney for the Commonwealth)

(Signature of the attorney for the Commonwealth)

(Date)

I, Eric B. Beyer 27111 / Detective
 (Name of the Affiant) (PSP/MPOETC -Assigned Affiant ID Number & Badge #)

of the Adams County District Attorney's Office PA001043A
 (Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number)

do hereby state: (check appropriate box)

- I accuse the above named defendant who lives at the address set forth above
 I accuse the defendant whose name is unknown to me but who is described as _____

I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe with violating the penal laws of the Commonwealth of Pennsylvania at [217] 3 Hampshire Drive
Oxford Township, New Oxford, PA 17350 (Subdivision Code) (Place-Political Subdivision)

in Adams County [01] on or about September 2017 to March 10, 2020
 (County Code) (Offense Date)



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: / /	OTN/LiveScan Number	Complaint/Incident Number DA2020-231CAC
Defendant Name	First: David	Middle: Anthony	Last: Valenca

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____				
<input checked="" type="checkbox"/>	1	6312	D of the	Title 18	3	F2	170	170
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance): § 6312. Sexual abuse of children. (d) Child pornography.								
Acts of the accused associated with this Offense: The defendant did, then and there, possess images and videos showing juveniles under the age of 13 years old engaged in prohibited sexual acts, in violation of this title. The defendant possessed these images on his cellular phone, within his Snapchat account, and within his Dropbox account.								

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____				
<input type="checkbox"/>	2	7512	A of the	Title 18	1	F3	260	260
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance): § 7512. Criminal use of communication facility.								
Acts of the accused associated with this Offense: (a) Offense defined.--A person commits a felony of the third degree if that person uses a communication facility to commit, cause or facilitate the commission or the attempt thereof of any crime which constitutes a felony under this title; to wit, the defendant did use a smart phone to receive and possess child pornography, in violation of this title.								

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____				
<input type="checkbox"/>	3	6312	C of the	Title 18	3	F2	170	170
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance): § 6312. Sexual abuse of children. (c) Dissemination of photographs, videotapes, computer depictions and films.								
Acts of the accused associated with this Offense: In that the defendant did, then and there, disseminate photographs, videotapes, computer depictions, and / or films of children under the age of 18 engaged in sexual acts via Snapchat and Dropbox, while using his cellular phone, in violation of this act.								



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed:	OTN/LiveScan Number	Complaint/Incident Number DA2020-23ICAC
Defendant Name:	First: David	Middle: Anthony	Last: Valenca II

AFFIDAVIT of PROBABLE CAUSE

I, Detective Eric B. Beyer of the Adams County District Attorney's Office, believe the following information to be sufficient probable cause to charge David Anthony Valenca II with the offenses listed on the attached and incorporated Criminal Complaint.

On 25 February 2020, I received NCMEC Cybertip 62475285, a report from Snapchat, from the Delaware County District Attorney's Office as a passthrough from the PA ICAC Task Force. In this report, Snapchat informed the NCMEC that a user had uploaded three images of child pornography and one image of child erotica during a chat. Snapchat provided user information as outlined below:

user email address: danytheman@yahoo.com
 User date of birth: 09-21-1997
 User name: dannyman2223
 Upload IP address: 98.235.22.50
 Date and time of incident: 01-07-2020 14:23:31 UTC

Snapchat provided the images, which I personally reviewed, and found images depicting females under the age of 13 years old engaged in nudity, with their nude breasts, buttocks, or vaginal areas lewdly displayed. One image depicted a female child under the age of 13 having been engaged in sexual, indecent, contact.

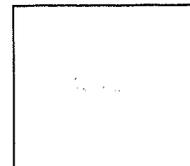
I, Eric B. Beyer, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE *CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA* THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

(Signature of Affiant)

Sworn to me and subscribed before me this _____ day of _____
 _____ Date _____, Magisterial District Judge

My commission expires first Monday of January,





**POLICE CRIMINAL COMPLAINT
AFFIDAVIT CONTINUATION PAGE**

Docket Number:	Date Filed:	OTN/LiveScan Number	Complaint/Incident Number DA2020-231CAC
Defendant Name:	First: David	Middle: Anthony	Last: Valenca II

AFFIDAVIT of PROBABLE CAUSE CONTINUATION

A search was performed in ARIN of the IP Address 98.235.22.50, which resolved to Comcast Cable Communications. As a result of the aforementioned information, on 25 February 2020, an Administrative Subpoena was forwarded to the Comcast Legal Response Center for the subscriber information for the IP address 98.235.22.50.

On 26 February 2020, I received records created within the normal course of business from the Comcast Legal Response Center, which indicated the following subscriber information for IP Address 98.235.22.50 on the date and time of the download:

Subscriber Name: BARBARA WARNER
 Service Address: 3 HAMPSHIRE DR
 NEW OXFORD, PA 173508754
 Billing Address: 3 HAMPSHIRE DR
 NEW OXFORD, PA 173508754
 Telephone #: (717) 253-5147

After receiving this record, I contacted the United States Postal Inspectors Service and inquired as to anyone receiving mail at this address. On 27 February 2020, I received information from Sharon Miller, USPIS, which indicated that Barbara Warner and David Valenca II are receiving mail at 3 Hampshire Drive, New Oxford, PA, 17350. A check of PennDot records indicates that David Anthony Valenca II has a valid license with a listed address of 41 N. Allison St., Greencastle, PA 17225. David Anthony Valenca II's date of birth is 9/21/1997, which is the date of birth listed for the user reported by Snapchat to NCMEC as having uploaded the four described images of child pornography.

Based upon this information, on 10 March 2020, a search warrant was served on 3 Hampshire Drive, New Oxford, PA 17350. Also on this date, an interview was conducted of David Anthony Valenca II at his place of employment, the North Hanover Mall. During this interview, David Anthony Valenca II admitted to using his cellular phone to share child pornography, which he had accessed via Dropbox. He further admitted that he shared these links using Snapchat. Valenca admitted that this child pornography was kept for sexual gratification, and he had engaged in masturbation while viewing said child pornography.

(Signature of Affiant)



**POLICE CRIMINAL COMPLAINT
AFFIDAVIT CONTINUATION PAGE**

Docket Number:	Date Filed:	OTN/LiveScan Number	Complaint/Incident Number DA2020-231CAC
Defendant Name:	First: David	Middle: Anthony	Last: Valenca II

AFFIDAVIT of PROBABLE CAUSE CONTINUATION

A forensic examination was conducted of Valenca's Apple iPhone, during which 225 images of child pornography were located. These images depicted children as young as infants and toddlers being engaged in unlawful sexual contact. An additional 182 images of child pornography depicting children appearing to be under 13 years of age engaged in the lewd and lascivious display of their nude breasts, buttocks, and/or genital regions were also located within said phone.

During my review of this forensic report, I observed a Dropbox account associated with this phone, with an associated email address of dannyman2@gmail.com. The complete forensic report showed that this phone was used to store files in the Dropbox account, and showed a file that was only visible to the possessor of the phone, titled "Y1". Thumbnail screenshots of the images and videos in this file were visible and depicted child pornography.

On 13 March 2020, I served a search warrant on the aforementioned described Dropbox account. On 22 May 2020, I received the content of this Dropbox account. The Dropbox account 2227382016, with the associated user name "Dan Van", and associated email address of dannyman2@gmail.com, had 41 items separated into a folder called Y1. 10 videos located within this folder depicted females under the age of 13 years old engaged in unlawful contact, including vaginal and oral sexual contact. One of these videos depicted the juvenile victim engaged in bondage activities. Included in this folder were the images reported to NCMEC by Snapchat, which David Valenca admitted to possessing.

Also on 13 March 2020, I served a search warrant on the Snapchat account reported by NCMEC. On 18 March 2020, I received records from Snapchat, including the content of this account. My review of this report found six images of child pornography, including the images reported during the initial NCMEC CyberTip, which were shared from the IP address located in Adams County, PA. In this chat, the Snapchat account associated with David Valenca indicated that he has a Dropbox account with more images.

The use of a smart phone, in this case the defendant's iPhone, in combination with the internet, and internet social media as well as cloud based storage, for the purposes of storing, possession, disseminating, and viewing child pornography is a violation of Title 18, Section 7512, Criminal Use of a Communication Device.

Based upon the above stated information, I ask that David Anthony Valenca answer to the charges set forth.



 (Signature of Affiant)