

0522195

21CF-2513 P#1583

Rough Arrest Only

|   |  | ARREST / NOTICE TO APPEAR<br>Juvenile Referral Report   |   |  |   | 1. Arrest 3. Request for Warrant<br>2. N.T.A. 4. Request for Capias                      |   | 1 Juvenile   |  |  |  |   |
|---|--|---|---|--|---|--|---|--|--|--|--|---|
| ADMINISTRATION  | OBTS Number  | Agency OR# Number<br><b>FL0500000</b>   |   |  |   | Agency Name<br><b>PALM BEACH COUNTY SHERIFF'S OFFICE</b>                                 |   |  |  | Agency Report Number<br><b>06-21-250005</b>  |  |   |
|   | Charge Type:<br>Check as many as apply.  | <input checked="" type="checkbox"/> 1. Felony<br><input type="checkbox"/> 2. Traffic Felony                   |   | <input type="checkbox"/> 3. Misdemeanor<br><input type="checkbox"/> 4. Traffic Misdemeanor |   | <input type="checkbox"/> 5. Ordinance<br><input type="checkbox"/> 6. Other               |   | Weapon Seized/Type<br>1. Yes 2. No <b>2</b>                                |  | Multiple Clearance Indicator<br><b>01</b>  |  |   |
|   | Location of Arrest (Including Name of Business)<br><b>649 Saxony N, Delray Beach, FL 33446</b>   |   |   |  | Location of Offense (Business Name, Address)<br><b>649 Saxony N, Delray Beach, FL 33446</b> |  |   |  | Date of Arrest<br><b>03.23.2021</b>  |  |  |   |
| DEFENDANT   | Name (Last, First, Middle)<br><b>Sivira-Molina, Jose Fernando</b>  |   | Alias (Name, DOB, Soc. Sec. #, Etc.)                              |  |   |  |   |  |  |  |  |   |
|   | Race<br>W - White<br>B - Black   | Sex<br>M  | Date of Birth<br><b>11.19.1959</b>                                | Height<br><b>5'06"</b>   | Weight<br><b>165</b>  | Eye Color<br><b>Bro</b>  | Hair Color<br><b>Bro</b>                                  | Complexion<br><b>Med</b>   | Build<br><b>Med</b>  | Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)<br><b>None</b> |  |   |
|   | Local Address (Street, Apt. Number)<br><b>649 Saxony N</b>   |   |   |  | (City)<br><b>Delray Beach</b>   | (State)<br><b>FL</b>   | (Zip)<br><b>33446</b>                                     | Marital Status<br><b>W</b>   |  | Religion<br><b>Protestant</b>  |  | Indication of:<br>Alcohol Influence <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/><br>Drug Influence <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> |
|   | Permanent Address (Street, Apt. Number)<br><b>649 Saxony N</b>   |   |   |  | (City)<br><b>Delray Beach</b>   | (State)<br><b>FL</b>   | (Zip)<br><b>33446</b>                                     | Residence Type<br>1. City 3. Florida<br>2. County 4. Out of State <b>2</b> |  | Address Source<br><b>Verbal</b>  |  |   |
|   | Business Address (Street, Apt. Number)   |   |   |  | (City)  | (State)  | (Zip)   | Occupation<br><b>Self employed painter</b>                                 |  |  |  |   |
|   | D/L Number   |   | Soc. Sec. Number<br><b>None</b>                                   |  | INS Number<br><b>None</b>   |  | Place of Birth<br><b>Maracay, Venezuela</b>               |  | Citizenship<br><b>Venezuelan</b>   |  |  |   |
|   | Co-Defendant Name (Last, First, Middle)  |   |   |  | Race  | Sex  | Date of Birth   |  | <input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile |  | <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor |   |
|   | Co-Defendant Name (Last, First, Middle)  |   |   |  | Race  | Sex  | Date of Birth   |  | <input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile |  | <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor |   |
|   | JUVENILE   | <input type="checkbox"/> Parent<br><input type="checkbox"/> Legal Custodian<br><input type="checkbox"/> Other |   | Name (Last) (First) (Middle)   |   | Residence Phone  |   |  |  |  |  |   |
|   |  | Address (Street, Apt. Number) (City) (State) (Zip)  |   |  |   | Business Phone   |   |  |  |  |  |   |
| Notified by: (Name)   |  |   |   | Date   | Time  | Juvenile Disposition<br>1. Handled/Processed within Dept. and Released                   |   | 2. TOT HRS/CYF<br>3. Incarcerated  |  |  |  |   |
| Released To: (Name)   |  |   |   | Relationship   | FCIC/NCIC   | Date   | Time  |  |  |  |  |   |
| The above address was provided by defendant and/or defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office informed of any change of address:<br><input type="checkbox"/> Yes, by: (Name) <input type="checkbox"/> No: (Reason)   |  |   |   |  |   | School Attended  |   | Grade  |  |  |  |   |
| CODE  | Recovery Information<br>0. N/A 1. Voluntary 2. Located Not Returned 3. Hospitalized 4. HRS Custody 5. Law Enforcement Custody 6. Returned to Parent 7. Deceased 8. Other |   |   |  |   |  |   |  |  |  |  |   |
|   | Drug Activity  |   | S. Sell R. Smuggle K. Dispense/Distribute M. Manufacture Z. Other |  | Drug Type   |  | B. Barbituate H. Hallucinogen P. Paraphernalia U. Unknown |  | N. N/A C. Cocaine M. Marijuana O. Opium/Deriv. 2. Synthetic  |  |  |   |
| CHARGE  | Charge Description<br><b>Possession of 10 or more files of Child Pornography</b>   |   |   |  | Counts<br><b>10</b>   | Domestic Violence<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Statute Violation Number<br><b>775.0847(2)</b>            |  | Violation of ORD #   |  |  |   |
|   | Drug Activity  | Drug Type   | Amount/Unit   | Offense #  | Warrant/Capias Number<br><b>19096-3</b>   |  | Bond  |  |  |  |  |   |
| CHARGE  | Charge Description   |   |   |  | Counts  | Domestic Violence<br><input type="checkbox"/> Yes <input type="checkbox"/> No            | Statute Violation Number                                  |  | Violation of ORD #   |  |  |   |
|   | Drug Activity  | Drug Type   | Amount/Unit   | Offense #  | Warrant/Capias Number   |  | Bond  |  |  |  |  |   |
| CHARGE  | Charge Description   |   |   |  | Counts  | Domestic Violence<br><input type="checkbox"/> Yes <input type="checkbox"/> No            | Statute Violation Number                                  |  | Violation of ORD #   |  |  |   |
|   | Drug Activity  | Drug Type   | Amount/Unit   | Offense #  | Warrant/Capias Number   |  | Bond  |  |  |  |  |   |
| CHARGE  | Charge Description   |   |   |  | Counts  | Domestic Violence<br><input type="checkbox"/> Yes <input type="checkbox"/> No            | Statute Violation Number                                  |  | Violation of ORD #   |  |  |   |
|   | Drug Activity  | Drug Type   | Amount/Unit   | Offense #  | Warrant/Capias Number   |  | Bond  |  |  |  |  |   |
| NOTICE TO APPEAR  | <input type="checkbox"/> Instruction No. 1<br>Mandatory Appearance in Court  |   | Location (Court, Room Number, Address)                            |  |   |  |   |  |  |  |  |   |
|   | <input type="checkbox"/> Instruction No. 2<br>You need not appear in Court but must Comply with instructions on reverse side.  |   | Court Date and Time<br>Month Day Year Time A.M. P.M.              |  |   |  |   |  |  |  |  |   |
| I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED. |  |   |   |  |   |  |   |  |  |  |  |   |
| Signature of Defendant (or Juvenile and Parent/Custodian)   |  |   |   | Date Signed  |   |  |   |  |  |  |  |   |
| HOLD for other Agency<br>Name:  |  |   |   | Signature of Arresting Officer<br><b>X</b>   |   |  |   | Name Verification (Printed by Arrestee)<br>(PRINT)                         |  |  |  |   |
| <input type="checkbox"/> Dangerous<br><input type="checkbox"/> Suicidal<br><input checked="" type="checkbox"/> Injured/Deaf   |  | <input type="checkbox"/> Resisted Arrest<br><input type="checkbox"/> Other:                                   |   | Name of Arresting Officer (Print)<br><b>DET. Teresa Grimaldi</b>                           |   | I.D. #<br><b>24094</b>   |   | Agency<br><b>PBSO</b>  |  | PAGE<br><b>1</b>   |  |   |
| I.D. #<br><b>6760</b>   |  | Pouch #   |   | Transporting Officer<br><b>D/S Rocco McCabe</b>  |   | I.D. #<br><b>20732</b>   |   | Agency<br><b>PBSO</b>  |  | Witness here is signed and signed with an "X"<br><b>SCANNED</b>                              |  |   |

|   |  |  |         |  |                 |                                    |
|---|--|--|---------|--|-----------------|------------------------------------|
| OBTS Number   |  | <b>PROBABLE CAUSE AFFIDAVIT</b>                          |         |  | 1               | N                                  |
| Agency ORI Number<br><b>FLO 5 0 0 0 0 0</b>   |  | Agency Name<br><b>PALM BEACH COUNTY SHERIFF'S OFFICE</b> |         | Agency Report Number<br><b>06 -21-250005</b> |                 |                                    |
| Charge Type:<br>Check as many:  |  | Special Notes:   |         |  |                 |                                    |
| <input checked="" type="checkbox"/> 1. Felony<br><input type="checkbox"/> 2. Traffic Felony<br><input type="checkbox"/> 3. Misdemeanor<br><input type="checkbox"/> 4. Traffic Misdemeanor<br><input type="checkbox"/> 5. Ordinance<br><input type="checkbox"/> 6. Other |  |  |         |  |                 |                                    |
| Defendant's Name (Last, First, Middle)<br><b>Sivira-Molina, Jose Fernando</b>   |  |  |         | Race<br><b>W</b>                             | Sex<br><b>M</b> | Date of Birth<br><b>11.19.1959</b> |
| Charge Description<br><b>Possession of 10 or more files of Child Pornography</b>  |  | Charge Description                                       |         |  |                 |                                    |
| Charge Description  |  | Charge Description                                       |         |  |                 |                                    |
| Victim's Name (Last, First, Middle)<br><b>STATE OF FLORIDA</b>  |  |  |         | Race   | Sex             | Date of Birth                      |
| Victim's Local Address (Street, Apt. Number)  |  | (City)   | (State) | (Zip)  | Phone           | Address Source                     |
| Victim's Business Address (Name, Street)  |  | (City)   | (State) | (Zip)  | Phone           | Occupation                         |
| The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody:   |  |  |         |  |                 |                                    |
| <input type="checkbox"/> committed the below acts in my presence  |  |  |         |  |                 |                                    |
| <input type="checkbox"/> was observed by _____ who told _____ that he/she saw the arrested person commit the below acts   |  |  |         |  |                 |                                    |
| <input checked="" type="checkbox"/> confessed to <u>Det. Grimaldi</u> admitting to the below facts.   |  |  |         |  |                 |                                    |
| <input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.  |  |  |         |  |                 |                                    |
| On the 23rd day of March, 2021 at 7:50 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest).   |  |  |         |  |                 |                                    |

**NARRATIVE:** On 01/04/2021, your Affiant was assigned to further investigate Cyber Tip #83115167 in which Microsoft reported that one of their subscribers possessed and shared, from their OneDrive account, (2) files containing child sexual exploitation. Cyber Tips are investigative leads generated by the National Center of Missing and Exploited Children (NCMEC) in the prevention of abducted, endangered, and sexually exploited children. NCMEC works with law enforcement, Internet Service Providers, electronic payment service providers, and others to reduce the distribution of child sexual exploitation images and videos over the Internet. OneDrive is a file hosting service operated by Microsoft that allows users to store and share files.

On 11/25/2020, Microsoft reported that one of their users, with ESP ID #6000094fe4314, had used their OneDrive account to share files depicting the sexual abuse of minor children. The files were shared utilizing Internet Protocol (IP) Address 76.109.48.157. Your Affiant viewed the following reported files and confirmed they depicted child sexual abuse material as per F.S.S. 827.071.

1) **Filename:** 14ac2fdf-d0a9-47ef-8e4a-210cd35f469e.jpg

**Description:** This image depicts a naked prepubescent white female child approximately 6-8 years of age. The minor child is holding the penis of an unknown adult white male up to her mouth with her mouth open simulating oral copulation.

2) **Filename:** a439a076-4809-41cd-8237-965b314ec82d.jpg

**Description:** Image depicts a prepubescent white female minor child approximately 4-6 years old. The minor child is naked from the waist down with her knees bent up exposing her red (irritated) vagina. An unknown adult white male is inserting the tip of his penis into the child's vagina.

On 01/08/2021, your Affiant executed a subpoena to Comcast for the customer assigned the aforementioned IP address. Comcast returned subpoena results identifying the subscriber of the internet account as Jose Sivira with a billing and service address of 649 Saxony N in unincorporated Delray Beach, FL 33446 (Palm Beach County).

## NARRATIVE CONTINUATION

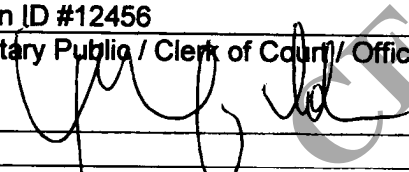
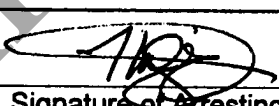
On 02/05/2021, the Honorable Judge Janis Keyser granted an ESP Search Warrant for the reported Microsoft OneDrive account. Microsoft returned results identifying the subscriber of the OneDrive account as Jose Fernando Sivira Molina with a Date of Birth of 11.19.1959. In addition to the original files described above, Microsoft returned (7) new files that were deemed to be child sexual abuse material of children ranging in age from 2-11 years old.

Utilizing various sources, your Affiant confirmed and verified that Jose Fernando Sivira Molina resides at 649 Saxony N, Delray Beach, FL.

On 03/17/2021, The Honorable Judge Maxine Cheeseman granted a residential search warrant for 649 Saxony N, Delray Beach, FL 33446. On 03/23/2021, the search warrant was executed and contact was made with Jose Fernando Sivira Molina. Post Miranda Sivira-Molina confessed to having a curiosity in child pornography for approximately 2 years. He admitted that the reported OneDrive account was his and that Microsoft shut the account down for inappropriate activity. Sivira-Molina masturbated to some of images of child pornography. He admitted that the possession of child pornography is illegal. Your Affiant showed Sivira-Molina sanitized images from the Cyber Tip report. He recalled previously viewing several of them.

An on scene Forensic preview revealed over 10 files of prepubescent children under the age 5 years old being sexually abused.

Based on my investigation and evidence gathered, your Affiant finds sufficient probable cause that Jose Fernando Sivira Molina did unlawfully and knowingly possess and intentionally more than 10 files depicting sexual conduct and abuse by children under 18 years of age and that more than one of those files involved children under the age of 5 in violation of F.S.S. 775.0847(2). Sivira Molina was placed under arrest and transported to the Palm Beach County Main Jail.

|   |   |
|---|---|
| Sworn and Subscribed before me:   |   |
| Signature Notary Public / Clerk of Court / Officer<br> | <br>Signature of Arresting / Investigating Officer |
| D/S R. Colon ID #12456  | DET. TERESA GRIMALDI ID #24094  |
| Name of Notary Public / Clerk of Court / Officer  | Name of Officer (Please Print)  |
| 03.23.2021  | 03.23.2021  |
| Date  | Date  |

NOT A CERTIFIED COPY