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COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

SUPERIOR COURT DEPARTMENT

Case No.: 03-0546

COMMONWEALTH

vs.

KELLY HOOSE

AFFIDAVIT OF SARAH KIWAK

I, Sarah Kiwak, do state as follows under penalty of perjury:

1. I am over the age of eighteen years and am competent and authorized to make this declaration; which I make voluntarily and freely based on my own personal knowledge of all matters stated herein. I have personal knowledge of all matters stated herein and if called as a witness, I could testify competently regarding the matters stated.

2. I am the Custodian of Records for ALS SCAN, INC. ("ALS") with respect to those records required to be maintained pursuant to 18 U.S.C. § 2257 ("Record Keeping Requirements").

3. Those records are maintained at ALS' business offices in Columbia, Maryland, for inspection by the Attorney General of the United States "or his delegee." 28 CFR 75.5.

4. When ALS produces images of "sexually explicit conduct," it examines an identification document containing such information as the model's name and date of birth and it requires the model to provide such other indicia of her identity. ALS also ascertains any other names ever used by the model "including maiden name, alias, nickname, stage, or professional name." 18 U.S.C. § 2257(b).

5. In August of 2004, Mr. James Kaeding contacted me regarding the above referenced case and requested records ALS maintained pursuant to the Record Keeping requirements. Mr. Kaeding also sent me twenty-nine (29) images that the Commonwealth of Massachusetts alleged were images depicting children under the age of eighteen. All the

1 images were clearly marked with the ALS's copyright information (and have been registered
2 with the United States Copyright Office) and prominently display the ALS Website URL,
3 www.alsscan.com.

4 6. To date, neither Assistant District Attorney Maura K. McCarthy nor Dr.
5 Christine Barron has contacted ALS.

6 7. Five (5) of the images I received from Mr. Kaeding were photographs of "Ashley"
7 taken on March 7, 1999, when she was 20 years old. See Exhibit A. Also included in Exhibit A
8 are copies of an Arizona Driver License and a State of California Certificate of Live Birth,
9 which were presented to me by "Ashley." In addition, Exhibit A contains copies of a Statement
10 of Agreement, a Model Release Form and a report prepared by Forensic Document Examiners
11 of Joppa, Maryland. For further information, "Ashley" maintains her own website at:
12 <http://www.melissa-ashley.com/>

13 8. Seven (7) of the images I received from Mr. Kaeding were photographs of
14 "Trisha" (AKA "Trish") taken on April 18, 1999, when she was 19 years old. See Exhibit B. Also
15 included in Exhibit B are copies of a Kentucky Driver License and a Social Security card, which
16 were presented to me by "Trisha." In addition, Exhibit B contains copies of a Statement of
17 Agreement, a Model Release Form and a report prepared by Forensic Document Examiners of
18 Joppa, Maryland. For further information, "Trisha" maintains her own website at:
19 <http://www.trishauptown.com/>

20 9. Two (2) of the images I received from Mr. Kaeding were photographs of "Trisha &
21 Jo" taken on January 11, 2000, when both "Jo" and "Trisha" were 20 years old. See Exhibit C.
22 Also included in Exhibit C are copies of an United States Passport, a State of California
23 Certificate of Live Birth and a Social Security card, which were presented by "Jo" (AKA
24 "Joanne"). In addition, Exhibit C contains copies of a Statement of Agreement and a Model
25 Release Form from both models and a report prepared by Forensic Document Examiners of
26 Joppa, Maryland pertaining to the documents presented by the model "Jo." For more
27 documentation concerning the model "Trisha," see Exhibit B.
28

1 10. Four (4) of the images I received from Mr. Kaeding were photographs of "Zoe,
2 Trisha & Courtney" taken on September 24, 2000, when "Zoe" was 27 years old, "Trisha" was
3 21 years old and "Courtney was 25 years old. See Exhibit D. Also included in Exhibit D are
4 copies of an United States Passport and California Driver License presented by "Zoe" and a
5 Canadian Passport and a Michigan Operator License presented by "Courtney." In addition,
6 Exhibit D contains copies of a Statement of Agreement and a Model Release Form for all three
7 models and reports prepared by Forensic Document Examiners of Joppa, Maryland for Zoe
8 and Courtney. For more documentation concerning Trisha, please refer to the documents
9 contained in Exhibits B and C. More information on "Zoe" may be found at:

10 <http://imdb.com/name/nm0760175/>. "Courtney" maintains her own website at:

11 <http://www.sexycourtney.com/>.

12 11. Five (5) of the images I received from Mr. Kaeding were photographs of "Ashley
13 & Trisha" or "Ashley & Trish" taken between June 27 and June 28, 2001, when "Ashley" was
14 22 years old and "Trisha" was 21 years old. See Exhibit E. Also included in Exhibit E are
15 copies of the 3rd page of an Independent Model Agreement signed by both "Trisha" and
16 "Ashley" on June 27, 2001. For further documentation concerning "Ashley" and "Trisha,"
17 please refer to Exhibits A and B.

18 12. One (1) of the images I received from Mr. Kaeding was a photograph of "Ashley,
19 Trish & Trista" taken on June 28, 2001, when "Ashley" was 22 years old, "Trisha" was 21 years
20 old and "Trista" was 18 years old. See Exhibit F. Also included in Exhibit F are copies of a
21 "Nevada Minor Driver (Under 21)" and a Social Security card presented by "Trista." In
22 addition, Exhibit F contains copies of the 3rd page of an Independent Model Agreement signed
23 by "Trista" and a report prepared by Forensic Document Examiners of Joppa, Maryland
24 concerning documentation provided by "Trista." For further documentation concerning
25 "Ashley" and "Trisha," please refer to Exhibits A, B and E.

26 13. Four (4) of the images I received from Mr. Kaeding were photographs of
27 "Ginger" taken on August 14, 2001, when she was 18 years old. See Exhibit G. Also included
28 in Exhibit G are copies of a Hungarian Passport (MAGYAR KOZTARSASAG) and a picture ID

1 (DIAKIGAZOLVANY), presented by "Ginger." In addition, Exhibit G contains copies of the 3rd
2 page of an Independent Model Agreement signed by "Ginger" and a report prepared by
3 Forensic Document Examiners of Joppa, Maryland.

4 14. One (1) of the images I received from Mr. Kaeding was a photograph of "Ashley
5 & Lainey" taken on January 7, 2002, when "Ashley" was 23 years old and "Lainey" was 21 years
6 old. See Exhibit H. Also included in Exhibit H are copies of a Tennessee Driver License and a
7 Social Security Card presented by "Lainey." In addition, Exhibit H contains copies of the 3rd
8 page of an Independent Model Agreement signed by both "Lainey" and "Ashley," as well as a
9 copy of a report prepared by Forensic Document Examiners of Joppa, Maryland concerning
10 documentation provided by "Lainey." For further documentation concerning "Ashley," please
11 refer to Exhibits A. For further information on "Lainey," she maintains a website at:
12 <http://www.laineyxxx.com/>.

13 I declare under penalty of perjury that the foregoing is true and correct. I further
14 declare that the records contained in the attached exhibits are true and complete, and were
15 obtained and maintained in the regular course of business, before or shortly after the time the
16 images were created.

17
18 Executed on April 22, 2005.

19 _____
20 Sarah Kiwak
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