

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

VICTOR STEPUS

Criminal No. 15-CR-30028-MGM

AFFIDAVIT IN SUPPORT OF DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

PART ONE

I, Victor Stepus, hereby affirm and state the following under the pains and penalties of perjury.

1. I, Victor Stepus, am the defendant in the above indictment.
2. On August 21, 2015 (Friday) at 8:00am, unknown individuals intruded in my residence at 76 Chateaugay Street, Chicopee, MA 01020.
3. They began to move immediately all over our house. As I understand, my wife, Tatyana Stepus, opened the door and allowed other people to enter inside of our home, after she completed her night shift work and arrived back at our house between 7:45 - 8:00am.
4. After about 15 minutes, my wife took our children (two step-daughters and our son) and left our house by driving her car.
5. From the beginning of their movement, I was held in my bedroom by FBI agents, under their control and supervision for approximately 40 minutes. I was not free to move and I was sitting on my bed the entire time.
6. Ten FBI agents and one police officer were inside of my house. Almost all of them were in the basement or in our yard. I understood that they were searching for something.
7. My office and music studio (in one room) were located in the basement of our home. No one other than myself was allowed to enter inside of this room, and most of the time I kept the door to it locked.
8. In my studio, I had a computer desk with a computer on it with all accessories, written papers, poetry, songs, documents, personal belongings, music CD's and DVD's, old computer in cardboard, bookcases with hundreds of books, my guitar, and combo-amplifier "Ibanez"

2.

9. After about 35-40 minutes since agents entered in our home, I was called downstairs. FBI agent let me dress myself, brush my teeth, and then both of us went downstairs in our kitchen where I met FBI agent Ian Smythe.
10. Agent Smythe started asking me unexpected questions without telling me who he was, or showing me his identification, and he did not show me any warrants or documents for searching of my residence. He also didn't tell me anything about recording our conversations.
11. Agent Smythe blackmailed me, by using his FBI tricks and his dirty experience, for compelling information from me, asking me different kinds of questions, and later he twisted my answers in false and incorrect representations for the court and the public. He used such phrases as, "Victor, I need your help; I was watching you and your activity in your computer for 6 months, so I know everything about what you were doing, when you accessed your computer; if you cooperate with me and tell me the truth, you will avoid problems related to child pornography offenses
12. Agent Smythe asked me to give him my password so he would be able to access my computer to see what was in it.
13. I don't believe that Agent Smythe read me my Miranda rights. The only thing I remember that he asked me after a long time of our conversation was "You don't need a lawyer, do you?" Then he gave me a document with very small letters to sign. I didn't know what was written on it, but I trusted the agents words and promises. I didn't have my reading glasses with me. After I sign this document, the agent started the "interview" which I later understood was a custodial interrogation. The phrase "Miranda rights" and its meaning, I found in jail from some inmates.
14. During our conversations with agent Smythe I felt confused, shocked and intimidated. I didn't understand the purpose of everything that was going on. I couldn't think appropriately and I couldn't answer correctly for many questions that the agent asked me.
15. Because my english language skills were insufficient and limited, I just responded whatever came to my mind without comprehension of the real meaning, just to finish this conversation as soon as possible and go to work after all.
16. I didn't know that my conervation with the agent would be brought to the court and used against me.

3.

17. I didn't fully understand such words that the FBI agent was using during our conversation, like, "contraband", "illegal material", "Tor", "Dark web", "playpen", and others. I couldn't answer appropriately and correctly to these questions because I didn't know the answers.
18. During all the time of the FBI agents presentation in my residence during the execution of the search warrant, I wasn't free to move. My statements to the agent were not done freely and voluntarily.
19. I didn't know that after our conversation that the FBI would be seizing my media to use against me in a criminal investigation.
20. I didn't know that after our conversation that I would be arrested and brought into custody to serve time in jail.
21. I didn't know that FBI agent Smythe was trying to mislead and fill me with compelling information without an attorney present, to make it easier for him to bring charges against me after the execution of the search warrant. I did not know about the Fourth and Fifth Amendments. I didn't know about the Fourth Amendment and its expectation of privacy. All of the interview was unfair, dishonest, provocative, and flattery.

#### PART TWO

In my next statements, I would like to describe in more detail some important things that had occurred in my life and also my occupations. Some bad memories from my past with negative experience appeared in front of my eyes like a thriller film and made me to be incapable to think adequately. Never in my life was I in such a terrible mental condition.

22. I was born in Western Ukraine, in the christian family. My father was a preacher in a local church. He was also a very intelligent and educated person, and my mother was also a thoughtful believer, Christian, and she was a teacher in Sunday school for christian children. The the Soviet Union, christians were persecuted by the government, especially in Ukraine. Many christian leaders in the USSR were subject to all kinds of sanctions, fines, searches, arrests, and even convictions, and their children in schools were also subject to all kinds of humiliations, mockeries, and outcastings, and they were counted like second class citizens. It was 1980, when the KGB and

other law enforcement agencies conducted a search of our residence. They seized all of our christian literature, including Bibles, Gospels, christian poems, stories, songs, and some child christian books. Also, they seized my mother's manuscripts with kid's stories and poetries. In that time, I was 12 years old and I am the oldest one in the family of seven children. At that time, there were only five of us, two more brothers and two sisters. Another two weren't born yet. During the search, the KGB agents threatened us that they can take our father from us and put him in jail, and me with my one year younger brother would be brought to a boarding school. Public sermons, christian measures, and especially children's christian activities were strictly prohibited under the Soviet regime. All Soviet nations with schools and school programs must be divided from religion, especially christianity, therefore all kinds of different minded people were persecuted by the government. Religious material like literature or music records were proscribed and not allowed to be kept in christian families. During the search, we as children with our mother were in one of our bedrooms, but our father was in the hall allegedly giving some evidence for an investigator. We were praying to our Lord with tears in our eyes and asked him to protect us. We were scared and we understood that they can separate our family. There were such occurrences in Ukraine at the time and we also knew some families whose fathers were in jail for a religious persecution. Soon, one of the investigators came to our bedroom and called us out, and then he asked me a few questions. He strictly looked at me with a gloomy gaze. He asked me if my parents ever forced me to go to church or to read the Bible, how I obey school programs and if I had been listening to my teachers. There were some more questions and I overcame my fear and answered positively. I told him that my parents never forced me to do anything, and I believe in God because I like to read the Bible and visit my church. After awhile all KGB agents and other law enforcement left our residence, but they took all of our literature with them. The good thing was that all our family members were together and they did not separate us. We prayed and glorified God that he didn't let this grief to comprehend us. After a few days, agents returned all of our literature that they had seized from our family. They told us that government officials didn't find anything forbidden and anti-soviet in this literature, however when they looked and read some of them, they came to the conclusion that in Jesus's teachings many positive elements and examples for

people to be honest, peacefule and right. And for criminals and other violent people, the Bible is a good example for solving their problems and to put them in the right direction. At this point, all of the search issues ended, but this incident left a deep trace in my heart and my memory for the rest of my life. This terrible memory and experience during the search in 1980, was like a weird dream or horrible nightmare that often appeared in front of my eyes. Things like that are unforgettable. During the search of my residence on August 21, 2015, all of those scenes and memories from the past were passing in front of my eyes like something tragic, and I was under its influence.

23. In the next few subtitles I would like to share some of my autobiography and to tell a little bit about myself. I am sure that it will be an opportunity for the court to familiarize with my activity and kinds of occupations that I engaged in, and to understand the matter including the search of my residence on August 21, 2015. I hope that the Court will investigate thoroughly and understand my statements in the next subtitles, as a sphere of my national origin, my national culture, and my conduct. I believe that there are some differences in the manner of thoughts, manner of conduct, like a person's understandings, principles, morals, and ethics. In my life, especially in the USA, I understood that such differences were existing. Not always do individuals who were born and grew up in the United States will conceive and understand appropriately individuals who were born and grew up in other countries, like the former USSR., and the other way round. From the start, I want to simply introduce myself as: a) poet, composer, musician, and vocalist-performer, b) writer and publisher, I was going to publish my own written books, c) politician and blogger, particularly involved in intense conflicts between Ukraine and Russia, and the latest relations between these two countries. As a Ukrainian patriot loving my Fatherland and supporting its culture and traditions.

24. From my childhood I was learning how to sing, first with my mother, and then from others, basically the christian performers. When I was 12 years old, I learned how to play on the mandoline and then on guitars. The talent to create and write poems and songs also emerged in me from my childhood and I was gadually developing through my entire list. Approximately from year

2000, here, in the United States I began to engage in the music life on a more professional level, and I started recording in studios some of my own songs. In my possession I have seven solo-albums, and one album with "Flight Express Band." I would like to enumerate their names, in each album there are approximately 14 songs... 1) Heavenly music, 2) God Soldier, 3) Eagles wings, 4) Watchman, 5) Stop sign, 6) Crosses and stars, 7) Under sounds of wind. Also, I recorded one album with Flight Express Band. All of my songs and albums were made and recorded in different times and in different recording studios, from year 2000 to 2013. I never had a sponsor and I always paid for my recordings myself. With the creativity of my music, I was very independent from others including church leaders. I was working mostly individually preparing to record new albums. I am not counting myself as a very religious person and I am not portraying myself like I am a perfect example of christianity. I am just a common man with good and bad habits. I believe in God, I love to read the Bible, love people and nature, but also I am not perfect, therefore I am a sinner, but forgiven and mercified by God. Most of my songs were written for a religious meaning, but also many of them are about life, humanity, soul, love, peace and heaven. I have about 200 titles of songs and poems which I wrote and created. In the United States I have visited a lot of different russian-speaking churches in different states. Also, I was participating in many concerts, festivals, evangelicals, and weddings. Like many other musicians and performers I was possession and I was selling my CD's by myself, usually at the end of church services or after my other performances. For the money that I made everytime I recorded more new songs and created more new albums. When I was young, music was my hobby, but after some time it became more like a professional activity and dedication in this work. Many christian websites started to advertise and reproduce my music and my songs on the internet. Soon, my music and my creativity became well known and popular for a lot of russian -speaking christian people around the world. Since I arrived in the USA, and for all of the time since I have been here, I never visited Russia or Ukraine, although I have many invitations to perform my music in the former USSR.

25. I always have my own ideas and subjects for writings books, but because I was very busy most of the time in my life, I didn't have enough time for that. Approximately six months before the execution of the search warrant

and my arrest on August 21, 2015, I started writing several stories, mostly in sketches. Generally, I was working on writing and production of five books, and in the future I saw perspective for myself in addition of these books. All those books, and all my writing work was destined to a russian speaking audience in the United states, but also to other countries in the former USSR. Practically all of the time I was spending on my computer, I was tied with russian speaking associations, I mean with slavic people who emigrated to the USA from the former Soviet Union, and also with people who inhabited those countries. I tried to bring my contribution in moden christian creativity, and developing modern music justin countries where past my school time and where I left my roots in my Fatherland, from where I emigrated to the USA as a refugee.

26. From the begining of 2014, in Ukraine began a big politcal revolution, particularly in the Ukrainian capital city, Kiev, on the square named Maidan. Ukrainian people in many communities separated on two parts: those who supported Ukrainian President Victor Yanukovich, and those who aspired to dethrone him and dismiss party of "regions", which the majority was pro-russian, and this party had tight connections with Russia, particularly with the Kremlin and its president, Vladimir Putin. Soon, an insurrection happened, or kind of revolution, and as a result President Yanukovich and many of his supporters and confederates escaped to Russia. Later the party of regions was dismissed. Many Ukrainian citizens who were also pro-russion activists with their leaders decided to stand up and make an opposition against Ukrainian nationalists, who were wishing to make Ukraine an independent nation and in the future become a part of the European Union. In short time, the military began actions and the peninsula of Crimea was annexed and taken under control by the russian military. After that, big fights involving militaries on territory of Ukraine called Donetsks and Lugansks regions, which started to make attempts to withdraw from Ukraine and to become an independent state called Novorussia. Naturally, those regions were supported by Russian President Putin and his environment. Soon, the battle collisions started to become more active by each day and turned into the real war with the killing of thousands on both sides.

When all of these issues took place in Ukraine, I began supporting taking down the old government, and I supported the preservation of the unique and

independent country of Ukraine, without any territorial division and separatism, and also without Russian intervention and Russian provocations by officials tied up with the Kremlin. Me, with many of my like-minded were engaged in this activity on the defensive side of Ukrain, by supporting new Ukrainian authorities and new management. Every day we were given news and information about what happened in Ukraine on websites like Facebook.com and Odnoklassniki.ru. We maintained the requirement of necessary modifications in Ukraine for the benefit of a united population with its main Ukrainian language, and we also maintained proclaiming of new Ukrainian leaders and President Petro Poroshenko. We were against separatism and russian intervention with economic destabilization and undermining its sovereignty. Because of this matter, between many of my friends, mostly emigrants from the former Soviet Union, there started to be alot of misunderstandings, offenses, and quarrels. On both of those websites, opinions of my friends was also divided. Many of them were Russian patriots and Russian activists who maintained interests in Putin and the Kremlin. When it started to be a real war with lots of bombing, there people began to perish, not only soldiers but also peaceful inhabitants between oppositions, then also began the war on the pages of many different websites. Every time when I entered Facebook or Odnoklassniki, I received a lot of different documents, with articles with investigations, military actions, publishings with all kinds of discoveries of occurrences in Ukraine. Most of them I exposed on my home pages or other websites for public review and I also wrote my own titles with my own opinion to bring more details and information to my friends and other people around the world. Sometimes I was writing my own articles and people were sharing them. There were various responses. Most of my friends or visitors responded with likes, messages, and comments, some of my friends refuted and argued with application of offences and swear words and other ones just read them without an retorts. On the extent of two years, until the search was executed at my residence on August 21, 2015, I carefully followed all of the occurrences in Ukraine and I was writing nad preparing to public one of my five books about the revolution in Ukraine, annexation of Crimea, war in Eastern Ukraine, political corruption and governmental corruption. All of this writing, evidence, discoveries I kept in microsoft files in my computer. The other four books that I was writing had different subjects and themes. (In this subtitle I described some important details



that I will mention in my next subtitles).

27. Sometime in the end of February 2015, on the screen of my computer, appeared "malware". It appeared in a little frame, on the right side of my monitor, on the bottom. Here, I would like to explain that in the beginning I couldn't understand anything; "What is this? where did it come from? and why?" I am not knowledgeable in computer technology, and I practically don't have any consideration and knowledge of how computer programs work, or computer installations, functions and other details. I really mean it. I never studied and researched computer programs and for me it was very complicated and hard to conceive when something happened to my computer. I used the internet only for basic things like communication with my friends, drawing our necessary information, listening and downloading music and video, keeping my personal stuff and writings in it. With the appearance of malware, from February 2015, and until I ended using my computer, the malware never disappeared from my window, gradually transforming my computer into a kaleidoscope of viruses with a mess, hackings, and the worst part, the larceny of my files, documents, and different materials for publishings were disappearing, but instead appeared many different obscene things including various pornography. Memory loss, reducing the speed, and the computer slowing down when I tried accessing any website and sudden shut offs and disconnections, those things became daily problems for me, to use and access the internet or use the computer in general. In this situation there are many questions that need explanations, but I want to show here the main sense of the matter. I didn't understand why my monitor started to perform by showing those little frames written in the Russian language with warnings that someone was spying on my computer. Those little rectangles were disappearing immediately and by computer was shutting off by itself and then automatically started on, by itself. And then those warning signs appeared again with some different links to various disgusting websites including pornography. My antivirus software program stopped working and I didn't know what to do with my computer. Everything became very suspicious. During all this time, I was publishing many articles and blogs with information about occurrences in Ukraine. (I described it in the previous subtitle). So, in that time I understood that my computer might be hacked by Russian hackers for some reason, and they were trying to spy on it. How could I know that the FBI,

by deployment of NIT had begun surveillance on my computer and many others around the world. But in that time I believed that russian hackers had spied on my computer somehow. Indeed, russians did it. The question is "What was the cause for russians to be involved in hacking of my computer and be able to access into it?" The malware appeared sometimes at the end of February 2015, so who was surveillaing my computer? I never had any problems like that before, and my computer had never been hacked by an hackers. The viruses appeared on my monitor at different times before, but my antivirus software, "Norton" was doing a very good job by removing them and cleaning up my system. Then it happened. My Facebook was hacked several times, and Odnoklassniki was hacked too. However, the most offensive for me was the matter that all my files, documents, and writing materials were gone, including my music and my new phonograms. It was very important material which was sent to me from Ukraine from Ukrainian journalists and publishers. Until the middle of June 2015, my computer was unable to function appropriately. By the involvement of hackers and malware it was destroyed and its hard drive was damaged and useless. The worst thing was that I couldn't save those very precious files and it was a big trajedy for me. But I was very astonished by one thing: "Why russian hackers warned me all the time that someone was spying into my computer and in the same time they did all those dirty outrages and annihilation. I couldn't surmise what really happened until the FBI arrived at my residence to execute the search warrant and completed their dirty work. During the time that I have been in jail, I have researched and discovered my case and other cases similiar to mine, and I found mostly everything that was indeed. However, russian hackers were involved in the FBI's surveillance by the NIT which hacked thousands of computers around the world. Then there appeared another question, "Is it possible that a satellite was involved in this action and it was reversing back to the United States?" When agent Smythe told me that he was watching my computer for six months and knows everything that was in it. Here is another question: "Did FBI agents know that in my Facebook and Odnoklassniki I engaged in political issues with connections to Ukraine and occurrences there, when they were accessing my computer using the Network Investigative Technique?" The problem was created in that time with involving some other parties in my privacy which is protected by the Fourth Amendment. By the words of agent Smythe, he was watching my computer for six months, and by my witnessing, malware had appeared on my monitor at about the

same time, but the FBI were allowed to deploy the NIT for two weeks, then what happened? The other way around they assisted in the possibility to be involved with some other hackers who destroyed and maybe stole all of my files and documents, or maybe the FBI did it themselves when they were surveilling my computer. By the way, after my arrest, agent Smythe published an article about me and his investigations with me for the local news, and also for internet websites. This time he placed me in a bigger problem by the addition of some more falsified information, lies, and provocations.

28. Maybe for the American Government it doesn't mean anything, but I see another big violation. It is in the Fourth Amendment, clearly announced without any additions or alterations that governmental idlers try to impose for the accused.

"The right of the people to be secure in their persons, houses, and effects against unreasonable searches and seizures, shall not be violated and no warrants shall issue but upon probable cause, supported by Oath and affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Here, I have a question again, but before, I want to articulate that before the execution of the search warrant, law enforcement and the FBI exactly must know who the person is, what exactly they will seize, and what the consequences could be after searching according to the warrant. In my case, it was not like that. Here is the question: Agent Smythe told me that he had surveilled my computer for six months. During that time of surveillance after my computer was hacked in February 2015, did agents of the FBI, including agent Smythe, know about my activity on Facebook and on Odnoklassniki which is tied and connected to the occurrences in Ukraine? Did the FBI know that because I am famous around the russian speaking audience with my music and performances, that I must have my own music, CD's my phnograms, records and other very important things which are private and dedicated for my own professional use? My opinion, according with the Fourth Amendment, I had a "reasonable expectation of privacy" and not any agent had been entitled to his "good faith exception" has the right to rush into my residence, seize my property with huge numbers of violations, and publish about me on social media knowing that the warrant was invalid. I am asking

the Court to recognize and declare this conduct as a violation, especially regarding the magistrate judge in Virginia, who issued this warrant unconstitutionally, and also the crude violations by the FBI agent who had trampled on that statute and the American Constitution by conversion from it to a "good faith exception" to nothing less than paltry bad faith. Even after he seized and examined my computer and was convinced that there is nothing illegal in it and nothing of what he was looking for, he continued to make violations with provocative evidence, incorrect information in his publishing. Agent Smythe was careless about what the consequences could be.

American Law Reports, ALR 5th "Expectation of privacy in internet communications"

The Fourth Amendment protects legitimate expectations of privacy: in order to assert a violation under the Fourth Amendment, a person must have both a subjective and objective expectation of privacy in the place searched or the items seized. To have standing to assert that an expectation of privacy has been violated by a warrantless search, an individual must not only have had a subjective expectation of privacy, but that expectation must be one that society is prepared to recognize as reasonable. Whether an expectation of privacy is legitimate for Fourth Amendment purposes does not depend on whether an individual chooses to conceal assertedly "private activity", rather the correct inquiry is whether the government's intrusion infringes on the personal and societal values protected by the Fourth Amendment.

29. After a few months of being in jail, in my discovery I found the following. (The discovery was given to me by my attorney, and since I had my reading glasses, I could see everything). In the description of my seized property I recognized my black media case with 36 CD's and DVD's. There is a question that stuck out in my brain. Why I didn't see this case on the floor with all the other things that were seized by the agents and brought into my living room? Why didn't the agent tell me anything about taking this very precious case from me? He didn't notify me that he was going to take it with him. It was not in the collection of seized materials and I didn't see it when the FBI counted and packed everything in plastic bags. I would never in my life let the FBI take this case, not under any circumstances if I saw my case among the other seized items. They were all of my master CD's, my original recordings for all of my seven albums with their secondary copies

in this black media case. Also there were all my phonograms (with vocals and without vocals) and originals for graphic design for my CD covers, for all of my seven albums. It was a lot of work and time involved in those CD's which extended for many years. This case I cherished like the apple of one's eye. Those original CD's and all phonograms cost me a lot of money. I spent thousands of dollars for many years while I was doing those music projects.

Only those, who musicians themselves and people who have worked in professional recording studios can understand how hard and wearisome it is to make a recording of even one song, and I have in my possession about 100 of them recorded in different studios. Would the Court and attorneys understand what it feels like to a musician to experience the pain and anxiety when he found out what happened to his music? Indeed, until this time I still didn't know where my media case is now, and I have no idea if there are any of my CD's in it, what if somebody exchanged them? The tragedy is that for most of them I don't have the same originals and masters and many of the recording studios where I created my albums and recordings do not exist anymore. I am asking the Court to recognize and approve the application of the Fourth Amendment with its violation by the FBI's actions. I believe that in my situation "expectation of privacy must be applied and supported by judges. I would like to examine and listen to the CD's from my black media case to be convinced of my CD's integrity and that they are safe and secure.

30. As a Ukrainian citizen and permanent resident of this country, I would like to ask the court to be condescended and demonstrate the magnitude to my inexperienced conduct and misunderstandings. I know that the outcome and consequences could be very sorrowful for me and my family if I'll lose my case, therefore I would like to know what I have to expect and what is going to be at the end. I understand the importance of Court inquiries and how the American Justice system is strictly concerned in such criminal activity such as production and dissemination of child pornography, so I am asking the Court, don't put me in the category of people who does engage in those criminal conduct. I am against any kind of child abuse. I never supported any involvement of minors in sexual conduct, and I was never involved in any conspiracy, never had any attempts to distribute child pornography. I never had any sexual contact with minors and I don't have any victims. All of my life I have protected children from this type of abuse.

I know this is difficult for the courts to find out and to determine each accused individual, his character or personality, his conduct and activities. With my understanding and my regrets that all this evil and lawlessness which is intensively disseminating around the world and especially in the United States, I understand all of the importance of the struggle against it. The internet became a source of depravity, immorality, obscenity more and more, day by day, and millions of people entangling in its nets. Many people intentionally engaged in criminal activities on internet websites, but also there are people who frivolously and thoughtlessly caught by the internet's lure without consideration that a computer like an ooze can engulfing them in its abyss.

In these subtitles of Part 2, I expressed my self as a writer and thinker. All information that I brought in my affidavit is the truth and I am stating such under oath.

Date: 10.23.19

V. Stepus  
Victor Stepus

SUPPLEMENT TO AFFIDAVIT

Search & Seizure - Execution of warrant by FBI agents in my residence on August 21, 2015. The Address: 76 Chateaugay Street, Chicopee, MA 01013.

Around 8:00 am, I woke up to the sudden noise that appeared in my home, at the same time someone was rushing upstairs to the second floor where my bedroom is located. The individual opened the door to my bedroom and yelled, "Everybody stay where you are, this is the FBI." (Later I recognized that this person was agent Ian Smythe.) I was sleeping with my son, Timothy, who is 5 years old. We heard movement of people all around the house. My son asked me, "Daddy what is this? I am scared." At the same time, one of the agents stepped in our bedroom and stood next to the door by fixedly keeping his eyes on our bed, under his control. I told my son to go downstairs when we heard noise of my wife talking with somebody. My son left the room. The FBI agent was watching me and started a friendly conversation. I was trying to converstate but at the same time I was very stressed and shocked and wondering what was going on. The agent move a little bit inside the bedroom after about 10 minutes, and stood next to our dresser. At about 15 minutes after the invasion, I heard my wife had took her children (Ilona 20 yrs old, Ella 16 yrs old, and Timothy 5 years old) and left our house by her car.

I was under the agent's supervision for about 20 minutes, then another agent substituted him. His name was Mike, as he told me. Mike was talking to me and as I noted, was a very calm person. Another 15-20 minutes passed and I heard someone called from downstairs and asked Mike to bring me down. Mike asked me if I wanted to brush my teeth, I said "yes". We went to my second floor bathroom next to my bedroom and I started to brush my teeth. Mike was standing and watching me. After I was done, we went downstairs where I saw someone was sitting at the kitchen table with his laptop. He asked me to sit next to him. Then I noted another person was sitting at the opposite side of the table with two I-phones in front of him. After a few minutes,

the individual who called me started his conversation with me. The time was about 8:35 am. (Later I found out that this individual's name was FBI agent Ian Smythe). Agent Smythe didn't tell me who he was, he didn't show me any warrants, and he didn't tell me that our conversation would be recorded. He started asking me questions, and asked if I knew anything about a website called Playpen. As I wrote in my affidavit, agent Smythe was blackmailing me to make me understand that I have no other choice but to tell him something, allegedly what I knew. He told me that he was investigating child pornography, particularly the website Playpen. The FBI asked me about a nickname Zombe008. He told me, "I know that your computer is in your basement, and other agents already are in there searching it. Do you have a password to your computer?" I answered, "yes." He told me that he needed my password because he wanted to check something in the computer. I told him my password. Agent Smythe left me and went downstairs to my basement. He was absent for about 10-15 minutes. At the same time when he left the person who was sitting on the other end of the table stood up and starting walking around our kitchen. When agent Smythe returned, he put his laptop on the table and started to click on it, talking about some pictures allegedly of underage teens and minors that he determined were child pornography. Agent Smythe started to accuse me of possession of illegal material, and told me to tell him the truth and to cooperate with him, therefore I will help myself avoid future problems, he will leave and he will let me go after all. A few times, Agent Smythe told me, "Victor, I need your help." I agreed to help him. He was asking me some other questions about my band, my song "Zombe", that I wrote. (This song was located on YouTube as a video). Agent Smythe asked me many questions about TOR, the dark web, and Playpen. I didn't know much about these things, so unfortunately I couldn't tell him alot and I was kind of stuck on my responses. After awhile, the agent asked me, "You don't need a lawyer, do you?" I didn't understand exactly why he asked me about a lawyer, and should I have the lawyer. Who will be my lawyer? And I personally don't have any lawyers, so the question was very unclear to me. My answer was "no." "OK, then now we are going to have the interview", the agent told me. At about 9:28am, he put in front of me the piece of paper with very small letters printed on it. At this time, I didn't have my reading glasses with me I didn't remember where I had left them. I couldn't read this



document but I decided to sign it with me trusting the FBI and with my understanding that I already gave him alot of information. I didn't know what kind of interview it would be, and why he needed the interview, and would it be brought against me somehow. I believed that he was investigating something and that he needed some information that might help him with his investigation (Back in the Soviet Union, I had been interviewed by KGB agents many times and this information that they asked about had religous or political motives). I could be jailed for religious or political activities by supporting immigration matters which were prohibited by the Soviet government. The KGB were always fair to me and our conversations were peaceful, and without any negative consequences.

FBI agent Smythe started his interview. He was asking me many questions, including what he had already asked me in the prior conversation. Many of these questions I hardly understood, but by the time he was conducting his "interview" custodial interrogation, I started to suspect that this conversation might be different than I what I thought from the begining. I was trying to be fair from my side and I believed in the fairness of FBI agent Smythe. He seemed to be nice to me. We almost got to the end of the interview, and agent Smythe asked me to follow him to my basement. We went downstairs. My dog was also following us. In the basement, I saw all of the other agents searching my office which is also my musical studio. Agent Smythe asked me some questions about my CD's. After we were done, we returned back to the kitchen. Agent Smythe was continuing his interview with me. Another agent came from the basement and told us that my dog had pooped in the basement right on the way to my office. He asked me to pick up the dog's poop. I took a plastic bag, went downstairs, and picked up the poop, brought it outside and put it in the trash can located next to our basement door. (In our house we have the door which is across from my studio in the basement about 20-25 feet away from my studio door). One of the agents was looking at me behind my back. As soon as I threw away the dog poop, I returned back downstairs, and then to the kitchen. (This was the only time that I moved outside, and I was only near the door). Everybody started to get together in our living room, which is next to our kitchen. The interview was allegedly over and the agents were talking to each other and put on the floor all of the seized items that was in plastic bags. Agent Smythe asked me to sign

another document with also very small letters which I understood was a list with the seized items. I couldn't see anything without my glasses, but I signed it. I didn't know the purpose of this search and seizure. I didn't know a lot of things. I didn't feel like I had any other choice but to follow the FBI's instructions.

Between 10:45 and 11:00am, suddenly a quiet partner of the FBI (The policeman, Robert Lockett, I found his name in my discovery, was the same person who was present in my kitchen when agent Smythe conducted his interrogation) came to me from behind and put me in handcuffs, cuffing me behind my back. Many questions appeared in my head. "Am I under arrest?"; "What is going on?"; "Why is the FBI agent looking at me with a big, flattering smile?" At that moment all of the agents became quiet. I asked, "Can we keep this confidential?" FBI agent Smythe laughed and said, "If you cooperate with me, then yes." The policeman walked me to the car of the FBI agent, opened the door, and put me in the back seat. The policeman sat next to me. The agent moved his car out from my house. After we had left, police officer Robert Lockett told me, "You will be released sometime next week, possibly on Monday. Your wife might issue a restraining order against you. That means you can't go back to your house. In this situation you have to tell the police where you will live. If you violate the restraining order, you will be brought back to jail. Do you understand what I am saying? This means that you can't be even close to your house." I responded, "yes, I understand." They brought me to the Chicopee police station. I was in there for about two hours. After some arresting procedures, they put me back in the car and brought me to another place. Later, I understood that the building that they brought me to was the Springfield Federal Courthouse. One of the Marshals told me that soon I will have a lawyer who will want to talk with me before the court hearing. After some other procedures with fingerprinting and other things, I met my lawyer, Alan J. Black, who started to proceed with my case.

In this statement I assure the Court and the district attorneys that everything that I wrote and described in this "Supplement as additional information to support my affidavit regarding my motion to suppress and other court procedures is the truth!

I believe this information of evidence will help the Judge and the Court administration to understand everything in details about what happened and what occurred on that morning of August 21, 2015 during the search warrant execution by the FBI agents.

Thank you,

Sincerely,

Victor Stepus

Date: 10.23.19

V. Stepus