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FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH  
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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

COMPLAINT  
UNDER SEAL

vs.

VIO: 18 U.S.C. 1466  
(Selling Obscene Material)

Sami R. Harb,  
Michael Harb,  
Dba Movies by Mail

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Before Honorable Paul Warner, United States Magistrate Judge for the District  
of Utah, appeared the undersigned, who on oath deposes and says:

COUNT I  
18 U.S.C. 1466  
(Selling Obscene Material)

During 2006 and 2007, in the Central Division of the District of Utah and  
elsewhere,

SAMI HARB, MICHAEL HARB, DBA MOVIES BY MAIL,  
defendants herein, did engage in the business of selling or transferring obscene

material, who knowingly received or possessed with intent to distribute any obscene book, magazine, picture, paper, film, videotape, or phonograph, and other audio recording, which has been shipped and transported in interstate or foreign commerce all in violation of Title 18, United States Code, Section 1466.

### **AFFIDAVIT**

1. I, Special Agent, Martin Schwarz, being duly sworn, state the following: I have been a special agent with the FBI since December 1983, and have been assigned to Albuquerque, New Mexico, Los Angeles California, and Salt Lake City, Utah Resident Agencies. I am currently assigned to the Violent Crimes Major Offenders Squad. I was the Chief Division Counsel in Salt Lake City for four years. Prior to the FBI I was a deputy attorney general for the state of Idaho, and a police officer in Idaho and Nevada. I have a BA in Criminal Justice from Boise State University and a law degree from the University of Idaho. I am a member of the Idaho State Bar and admitted to federal practiced in the 9<sup>th</sup> Circuit, District Court of Idaho. I have resided in Utah since 1993.

2. This affidavit is being submitted in support of a criminal complaint against Sami R. Harb, date of birth March 28, 1965, and Michael Harb, date of birth September 28, 1973. Sami R. Harb and Michael Harb are incorporators of Movies by Mail, an internet sales business using website [www.moviesbymail.com](http://www.moviesbymail.com) and physically located at 3115 Berea Road, Suite B, Cleveland, Ohio 44111.

3. Based upon my investigation, and my review of the materials in question, and extensive investigation by Special Agent Gary Hill, with the FBI's National adult Obscenity Initiative, I submit that there is probable cause to believe that Sami R. Harb and Michael Harb, doing business as Movies By Mail, engaged in the business of selling or transferring obscene matter which has been shipped or transported in interstate commerce in violation of 18 U.S.C. §1466.

4. This affidavit is based on my own investigation and on the investigation of other law enforcement officers with whom I have spoken or whose reports I have received. The facts set forth in this affidavit do not represent my entire knowledge of this matter. Rather, the facts set forth are merely for the limited purpose of establishing probable cause.

#### **APPLICABLE STATUTES**

5. 18 U.S.C. 1466 makes it a federal offense to engage in the business of selling or transferring obscene material, or knowingly receiving or possessing with the intent to distribute any obscene material which has been shipped or transported in interstate or foreign commerce.

6. "Obscene matter," as used herein, refers to material considered obscene pursuant to the three-prong test formulated by the United States Supreme Court in *Miller v. California*, 413 U.S. 15, 24-25 (1973), and its progeny, which holds that material is obscene if, (1) taken as a whole, the average person in the community would find that the material applies to the prurient interest of its intended audience; (2) taken as a whole, the average person in the community would find that the material depicts sexual conduct in a patently offensive way; and, (3) taken as a whole a reasonable person would find that the material lacks serious literary, artistic, political or scientific value.

#### **BACKGROUND OF THE INVESTIGATION**

7. On August 31, 2006 the FBI's National Adult Obscenity Initiative Task Force, located at the Washington Field Office (WFO) in Washington, D.C., obtained information that Movies By Mail offers pornographic movies for sale via an internet service located at website [www.moviesbymail.com](http://www.moviesbymail.com).

8. On October 05, 2006, Special Agent James Mackie, assigned to the Washington Field Office, purchased six pornographic DVDs on the internet from [www.moviesbymail.com](http://www.moviesbymail.com) using an undercover credit card. These movies were shipped in a United States Postal Service Priority Mail envelope via the

United States Postal Service from Cleveland, Ohio to a Post Office Box located in the Greater Washington D.C. area. The return address listed on the Priority Mail envelope is MBM Inc., P.O. Box 110194, Cleveland, Ohio 44111.

9. FBI Agents assigned to the Washington Field Office reviewed these pornographic DVDs and deemed them obscene after applying the applicable test provided in Miller v. California, 413 U.S. 15, 24 (1973). Under the Miller test, material is deemed obscene if: 1) an average person applying contemporary community standards finds the material taken as a whole appeals to the prurient interest; 2) an average person applying contemporary community standards finds that the material depicts sexual conduct in a patently offensive manner; and 3) a reasonable person, viewing the material as a whole, finds that the material lacks serious literary, artistic, political or scientific value. (*Id.* at 24.)

10. Having analyzed various public records sources, agents assigned to the Washington Field Office, determined that Movies By Mail is physically located at 3115 Berea Road, Suite B, Cleveland, Ohio 44111. On or about April 09, 2007, a Special Agent assigned to the Cleveland Ohio Field Office conducted physical surveillance of this location. The building, which appears as a brick warehouse, did not display any signs identifying it as Movies By Mail, however, a vehicle observed in the parking area at the location was registered to Sami R. Harb.

11. Ohio Secretary of State records provided that Movies By Mail is assigned Charter/Registration Number 1327383. The Articles of Incorporation for Movies By Mail was signed by Sami R. Harb and Michael Harb on June 25, 2002. Sami R. Harb is listed as the statutory agent for the company.

12. Open source records provided that the domain registrant for website [www.moviesbymail.com](http://www.moviesbymail.com) is MBM Entertainment, Mike Harb, P.O. Box 110194, Cleveland, Ohio, 44111. The administrative contact is listed as MBM

Entertainment, Sam Harb, P.O. Box 110194, Cleveland, Ohio, 44111. The technical contact is listed as Black Oak Computers, Incorporated, 2227 Lake Tahoe Boulevard, #D, South Lake Tahoe, California, 96150. The network registrant is listed as Sam Harb, private residence, Parma, Ohio, 44134.

13. On May 31, 2007, a United States Postal Service Inspector provided information that Post Office Box 110194, Cleveland, Ohio, 44111 is registered to MBM, Inc., and the authorized representatives are Mike Harb and Sami Harb. Information listed on the application form for this Post Office Box provided address 3115 Berea Road, Suite B, Cleveland, Ohio, 44111.

14. United States Postal Service shipping records indicated that Movies By Mail delivered 683 packages to Utah between January 03, 2006 and December 11, 2006, of which 149 of those packages were shipped directly into Salt Lake City, Utah.

15. On March 12, 2007, your affiant, a Special Agent assigned to Salt Lake City, Utah accessed website "[www.moviesbymail.com](http://www.moviesbymail.com)", by utilizing an internet computer located in Salt Lake City, Utah. This Special Agent placed an online order for the purchase of pornographic Digital Video Disks (DVD) using a credit card.

16. On March 19, 2007, your affiant received a package at a mailbox located in Salt Lake City, Utah which had been sent from Movies By Mail. This package was sent Priority Mail via the United States Postal Service, and had a return address of MBM Inc, P.O. Box 110194, Cleveland, Ohio 44111. Included in the package were pornographic DVDs and fourteen condoms.

17. I viewed three of the DVDs shipped and deemed them obscene, having applied the Miller test as described above in paragraph 6. The three DVDs reviewed were: Max Hardcore: "Pure Max 18"; Max Hardcore: "Extreme 12"; and Extreme Associates: "Cocktails 5." This affidavit includes a summary of each of these three movies. (Full length copies of each of these

movies are available to the Court for review at the time of the presentation of this affidavit.)

18. Your affiant has lived and worked in the state of Salt Lake City, Utah area since 1993. I have also consulted with other agents and law enforcement officers in the Salt Lake City area. As a result, I am familiar with the community standards in the District of Utah. It is my opinion that Max Hardcore: "Pure Max 18"; Max Hardcore: "Extreme 12"; and Extreme Associates: "Cocktails 5" taken as a whole and applying contemporary community standards satisfies the *Miller* test for obscenity as described in paragraph 6. Specifically these three DVDs appeal to the prurient interest of their intended audience, depict sexual conduct in a patently offensive manner, and lack serious literary, artistic, political, or scientific value, and are, therefore, obscene.

19. Your affiant has reviewed these three DVD's. None of the three films has a plot line. The films consist entirely of scenes of hard core sexual acts being performed by multiple men and women.

#### DESCRIPTION OF DVDs

##### ***Max Hardcore: "Pure Max 18"***

20 . The movie Max Hardcore: "Pure Max 18" is approximately one hour and thirty minutes and includes three sections. The females observed in the course of this movie are dressed and groomed in a manner to suggest that they are juveniles. Throughout this movie the male actor engages in a variety of sexual acts with three different females.

21. The male engages in oral intercourse with each of the females in each of the three sections, by placing his hand behind their heads and thrusting his penis deep into their throats. In each of the three sections, the females push their heads away as bodily fluids, that appear to be semen, run down their faces, onto their hair, and up their nose. The male alternates between anal and vaginal intercourse with the females in two of the films.

22. During the course of these various sexual acts the females can be heard gagging, coughing, and in one of the films crying, as bodily fluid, that appears to be semen, runs out of their mouths.

23. While engaging in anal intercourse with one of the females, the male places his hand inside her mouth in order to gag her. Her gag reflex is observed and heard. He says, "That tightens your ass so nice."

24. The male then sits on a couch and places a female over him with her knees resting on the backrest and armrest. From this position he engages in oral intercourse while pulling down on the back of her neck. He continues to thrust her head down onto his penis while holding on to her ponytail. Bodily fluid is observed running out of her mouth and she can be heard gagging. The female's legs tighten and kick as she appears to struggle.

25. The male places a long tubular sexual device into a female's anus while simultaneously penetrating her anus with his penis. The female says, "Ouch," "Wait, wait," and "Please stop for me." The male then continues to engage in both anal and oral intercourse with her.

26. The male has one of the females stick her hand inside her mouth in order to gag herself while he continues to fondle his penis. He then ejaculates on her face and into her mouth. She swallows the semen, and then he continues to engage in oral intercourse. This feature film movie concludes when the female says, "Bye everybody. I'll see you guys at the mall."

27. During the next section of this film, the male penetrates one of the female's vagina with his finger and then slaps her face with his hand. He then places her on her knees on the floor in front of a couch. He slaps her and then begins to engage in oral intercourse. He grabs the back of her head in order to thrust his penis deep into her mouth. It appears that she attempts to resist by pulling her head back and away. She repeatedly coughs and spits bodily fluid out of her mouth as he continues to engage in oral intercourse.

28. The male penetrates one of the female's anus with his penis in

order to engage in anal intercourse. She asks, "Doesn't poop come out of there, mister?" Later in this scene the male asks, "You know what you do when you take it out of your ass?" She replies, "No." He says, "You ram it down your throat."

29. The male places a female on her back on a couch with her head hanging over the outside armrest. He then holds her down by her arms as he thrusts his penis down inside her mouth engaging in oral intercourse. She coughs and spits as bodily fluids run out of her mouth, onto her hair and eyes, and inside her nose.

30. While the male is engaging in oral intercourse with one of the females, bodily fluids continue to run out of her mouth, onto her face, and into her nose. He then pulls his penis out of her mouth and asks, "Can you blow some bubbles for me?" The female blows her nose as the bodily fluids come out.

31. In the final feature of this film, the male places one of the females onto the floor in front of a couch and says, "Now, when you don't have a cock to get skinny, you use your hand." At this point the female sticks her hand in her mouth in order to make herself gag. She visibly throws up bodily fluid out of her mouth and onto her chest as the male ejaculates semen on to her face.

32. In the final chapter of this film a female says, "Hi everybody, look at me, I'm going to get to be a big model today." The male then asks, "You know what big models get to do?" At this point the male begins to penetrate the female's mouth with his penis as he engages in oral intercourse. He holds on to the back of her head and thrusts his penis in to her mouth. Bodily fluid is running out of her mouth and onto her chest.

33. While continuing to engage in oral intercourse with this female, she appears to be attempting to pull away. He tells her to put her hands behind her back which she does. She appears to start crying and can be heard

gagging as his penis is thrust in and out of her mouth.

34. The male places a female on a couch in such a fashion so that her head is hanging over the outside edge of the armrest. While standing on the outside of the couch and holding her arms down, he penetrates her mouth with his penis to engage in oral intercourse. She can be heard gagging and coughing as bodily fluid runs out of her mouth, onto her hair and eyes, and into her nose.

35. The female is observed trying to turn her head away from the male as he is continuing to thrust his penis in to her mouth. She can be heard crying and coughing. She blows out of her nose to remove the bodily fluid that has run inside of it. The male then grabs her neck with his hand and continues to thrust his penis down in to her mouth.

36. The male places the female on her hands and knees on the couch next to him. He grabs the back of her head and forces his penis into her mouth to engage in oral intercourse. Her legs kick in agony as she appears to be pulling her head back while he pushes her head down on to his penis.

37. The female appears to be crying as the male continues to thrust his penis into her mouth. He pulls her head off of his penis and says, "Catch your breath." Bodily fluids continue to run out of her mouth.

38. The female can be heard crying as the male then ejaculates semen on to her face. She continues to cough and spit up bodily fluid. The male grabs her hand and waves it for her as he says, "Bye everybody. I'll see you later at the mall."

**Extreme Associates: "Cocktails 5"**

39. The movie Extreme Associates: "Cocktails 5" is approximately two hours and thirty minutes and contains five chapters with a single female performer engaged in various sex acts with either two or three male performers in each chapter. The theme of the movie, which was repeated in each chapter, was of a female performer engaged in oral, vaginal, and anal sex with two or three male performers.

40. In the course of these sex acts the female performer would be gagged either by the insertion of a penis or a hand into her mouth. The gagging would cause her to repeatedly spit into a bowl. At the conclusion of each chapter the female would drink the content of the bowl. The following is a brief description of each chapter.

41. Chapter one began with a female engaged in anal, vaginal and oral sex with three male performers. She was repeatedly orally penetrated by penises and hands until she gagged and spat into a bowl. While performing sex acts on the three men she asked them to spit on her face and in her mouth, which they did. The chapter concluded with the three men ejaculating on her face and in her mouth, which she also spat into the bowl. The content of the bowl was poured into two cups attached to a helmet on her head. She then used a straw to suck out the content from the two cups.

42. Chapter two began with a female engaged in anal, vaginal and oral sex with two male performers. She was repeatedly orally penetrated by penises and hands until she gagged and spat into a bowl. While performing sex acts on the two men, they repeatedly spat on her face and in her mouth. The chapter concluded with the two men ejaculating on her face and in her mouth. The ejaculate was also allowed to drip into the spit bowl.

43. She then turned herself upside down while what appeared to be pina colada mix and ice was poured and shoved into her anal cavity. She righted her self and excreted the pina colada mix and ice from her anus into the bowl with the spit and ejaculate. She then picked up the bowl and drank the concoction.

44. Chapter three began with a female in what appeared to be a clear plastic bag attempting to asphyxiate herself. Two male performers enter the scene, removed the plastic bag from her head and engaged her in anal, vaginal and oral sex. She was repeatedly orally penetrated by penises until she gagged and spat into a small bowl. The chapter concluded with the two men

ejaculating on her face and in her mouth, which was also allowed to drip into the bowl. She then picked up the bowl with the spit and ejaculate, and drank the contents.

45. Chapter four began with a female tickling her self with a large feather. Two male performers appear in the scene with her and engage her in anal, vaginal and oral sex. She was repeatedly orally penetrated by the two men's penises causing her to gag and spit into a bowl. The chapter concluded with the two men ejaculating on her face and in her mouth. The ejaculate was allowed to drip into the bowl. The content of the bowl was poured into a funnel attached to a tube which was placed in her mouth.

46. Chapter five began with a female engaged in anal, vaginal and oral sex with two male performers. She was repeatedly orally penetrated by the two men's penises until she gagged and spat into a bowl. The chapter concluded with the two men ejaculating on her face and in her mouth, which was also allowed to drip into the bowl. She was then given what appeared to be a milk enema which she excreted into the bowl. She picked up the bowl and drank the concoction.

**Max Hardcore: "Extreme 12"**

47. The movie Max Hardcore: "Extreme 12" was approximately one hour and thirty minutes and contained three separate scenes. At the beginning of a scene titled "Juliana", an adult white male speaks to a young female who appears to be more than 18 years of age. The female has her hair set in two long pony tails that start at her scalp. The hair presented in this style is done to represent a style commonly associated with pre adolescents. The male tells the young female: "Your grades are slipping. You seem to be preoccupied."

48. At this point the viewer discerns that she is presenting herself as an elementary school student. Shortly thereafter, the male in the scene answers a cell phone call and is distracted. Shortly thereafter the character, Max

Hardcore, meets the young school girl in the play ground. He lures her to his car and takes her to his home.

49. Throughout this scene this female speaks to her male sex partner in what can be commonly referred to as "baby talk." The young female told her male partner on one occasion: "The flowers on my shirt are the same flowers on my skirt." The female repeatedly tells Max Hardcore: "I'm a big girl. I'm a big girl. I know how to do it like a big girl."

50. In addition to having anal and vaginal intercourse with a female that is presented to appear as a child, Max Hardcore engages in violent oral sexual activity.

51. There is a scene in this title where the young female lies on her back on a picnic table. The female's head hangs over the edge of the table. Max Hardcore then inserts his penis into her mouth and places his right hand around her throat. On a number of occasions during the oral sex the young female gags and coughs in reaction to this treatment. Later in this scene Max Hardcore places his rectum on the face of the female so to enable her to place her tongue on his rectum.

52. Later in this scene, while engaging in anal intercourse, Max Hardcore inserts a plastic device with an opening into the vagina of the young female that is approximately one inch in diameter. Shortly thereafter, Max Hardcore places a thin tube on the end of this device and gives the other end of the tube to the female so she can place it in her mouth. Max Hardcore then pours water into the plastic device, located in her vagina, which flows through her vagina and into the tube. The water then flows into the mouth of the young female.

53. Scene two of this DVD is entitled: "China Doll, Girl Becomes a Star." In this scene Max Hardcore again engages in vaginal intercourse, anal intercourse, and violent oral sex. During oral sex, Max Hardcore places his hand on the chest of the young Asian female after he has inserted his penis into

her mouth. This action causes the female to reflexively gag and convulse because she is unable to breathe.

54. The third scene reviewed is titled "Josie." The female in this scene is Hispanic and also has her hair pulled up in pony tails which presents the look of a young female child. Repeatedly the female refers to Max Hardcore as "Mister."

55. Another portion of the DVD provides advertising information for other Max Hardcore videos.

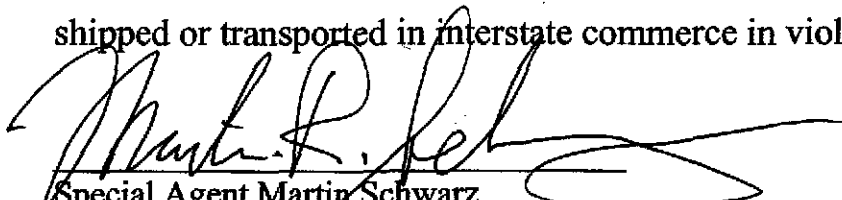
56. Your affiant would request, in order to protect the ongoing investigation in this matter that this complaint remain under seal until after the execution of a search warrant on the Harbs, and Movies by Mail in the District of Ohio. It is anticipated that the seal on this complaint could be lifted on or about June 14-15, 2007.

57. Your affiant would also request that this Court allow the contents of this complaint, while it remains under seal, to be shared with investigators, prosecutors, and the relevant member of the federal judiciary in Ohio until the execution of the Ohio search warrant.


58. Lastly, your affiant would request this matter be set for a summons date for the Harbs to appear in the District of Utah within 30 days of the signing of this complaint. Respectfully your affiant would request this matter be set for summons after June 27, 2007.

59. Based upon the facts above, I have probable cause to believe that Sami R. Harb and Michael Harb, doing business as Movies by Mail engaged in the business of selling or transferring obscene matter which has been

shipped or transported in interstate commerce in violation of 18 U.S.C. §1466.

  
Special Agent Martin Schwarz  
Federal Bureau of Investigations

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8<sup>th</sup> DAY OF June, 2007.

  
Hon. Paul Warner  
United States Magistrate Judge

  
Karin Fojtik  
Assistant United States Attorney