

AO 91 (Rev. 11/11) Criminal Complaint

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

District of New Mexico

MAY 03 2012

United States of America

v.

Arnold Gonzales
Year of Birth: 1985
SSAN: XXX-XX-6028

Case No.

MATTHEW J. DYKMAN
CLERK

12mj1067

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 2, 2012 in the county of Curry in the
District of Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 2423(b) and (f)	Travel in interstate commerce for the purpose of engaging in any illicit sexual conduct with a person under 18 years of age
18 USC 2422 (b)	Using the mail or any facility or means of interstate or foreign commerce to knowingly persuade, induce, entice or coerce any individual who has not obtained the age of 18 years to engage in a criminal sexual act

This criminal complaint is based on these facts:

See Affidavit incorporated herein by Reference

Continued on the attached sheet.

Complainant's signature

Victoria Ryder, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: May 3, 2012

City and state: Albuquerque NM

KAREN B. MOLZEN
U.S. MAGISTRATE JUDGE

Printed name and title

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IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)
)
 V.)
)
 ARNOLD GONZALES,)
)
 SSN: XXX-XX-6028)
)
 Year of Birth: 1985)

AFFIDAVIT OF VICTORIA M. RYDER

Your Affiant, Victoria M. Ryder, having been first duly sworn, does hereby depose and state as follows:

1. Your Affiant is a Special Agent of the Federal Bureau of Investigation (FBI). Your Affiant has been a Special Agent (SA) since August, 2009. Your Affiant is currently assigned to the Albuquerque Field Office, with a primary duty to investigate civil rights and individuals involved in the on-line sexual exploitation of children.

2. Your Affiant has participated in investigations of persons suspected of violating federal child pornography and exploitation laws. Your Affiant has also participated in training, including the Internet Crimes Against Children Conference in Atlanta, Georgia in 2012, for the investigation

1 and enforcement of federal child pornography and exploitation
2 laws in which computers are used as the means for receiving,
3 transmitting, possessing, and distributing images depicting
4 minors engaged in sexually explicit conduct (hereafter referred
5 to as "child pornography"). Your Affiant has received training
6 in peer to peer investigations involving computers and child
7 pornography, and viewed numerous images and videos of child
8 pornography in investigations. Your Affiant has received
9 training and gained experience in interviewing and
10 interrogation techniques, arrest procedures, search warrant
11 applications, the execution of searches and seizures, computer
12 evidence identification, computer evidence seizure and
13 processing, and various other criminal laws and procedures.
14 Your Affiant has personally participated in the execution of
15 search warrants involving the search and seizure of computer
16 equipment.

17
18 3. This affidavit will show there is probable cause in
19 support of a criminal complaint against Arnold Gonzales,
20 (Year of Birth 1985, SSN xxx-xx-6028), for a violation of 18
21 U.S.C. §§ 2423(b)and(f), that being, a person who travels in
22 interstate commerce, for the purpose of engaging in any
23 illicit sexual conduct with a person under 18 years of age;
24 and for a violation of 18 USC § 2422(b), that being a person
25 who uses the mail or any facility or means of interstate or
26 foreign commerce to knowingly persuade, induce, entice or
27 coerce any individual who has not obtained the age of 18
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1 years to engage in any sexual act for which any person can be
2 charged with a criminal offense.

3
4 4. The statements contained in this affidavit are based upon
5 Your Affiant's investigation, training, experience, and
6 information provided by other law enforcement officers known
7 to be reliable. Because this affidavit is being submitted
8 for the limited purpose of securing an arrest warrant, Your
9 Affiant has not included each and every fact known to me
10 concerning this investigation. Your Affiant has set forth
11 only the facts that Your Affiant believes are necessary to
12 establish probable cause to support a criminal complaint
13 against Arnold Gonzales, in violation of 18 U.S.C. §§ 2423(b)
14 and(f), and 18 USC § 2422(b).

15
16 **II. RELEVANT STATUTES**

17 5. This investigation concerns alleged violations of 18
18 U.S.C. §§ 2423(b)and(f), a person who travels in interstate
19 commerce, for the purpose of engaging in any illicit sexual
20 conduct with a person under 18 years of age; and 18 USC §
21 2422(b), a person who uses the mail or any facility or means
22 of interstate or foreign commerce to knowingly persuade,
23 induce, entice or coerce any individual who has not obtained
24 the age of 18 years to engage in any sexual act for which any
25 person can be charged with a criminal offense.

1 received several emails from arnoldgonzales1@gmail.com. The
2 emails stated Jill was under eighteen (18), which is too
3 young and that he was just passing through Lubbock, Texas.
4 The sender from arnoldgonzales1@gmail.com asked if she
5 understood. Caroland responded "yep, I understand, that's
6 cool...take care."

7
8 9. On April 26, 2012, at 1:47 pm, Caroland received an email
9 from arnoldgonzales1@gmail.com that said "Hey I'm bored."
10 Caroland and arnoldgonzales1@gmail.com continued to email
11 back and forth until approximately 5:00 pm, when Caroland
12 stated Jill's mom would be home soon.

13 arnoldgonzales1@gmail.com asked for Jill's phone number,
14 which Caroland provided. Caroland instructed
15 arnoldgonzales1@gmail.com not to text on the weekends because
16 Jill's parents check the phone.

17
18 10. On April 29, 2012, Caroland received an email from
19 arnoldgonzales1@gmail.com that he had Jill's number. On
20 April 30, 2012, Caroland received a text message from
21 (907)306-0164 ("cell phone 907"). Caroland and cell phone
22 907 texted back and forth, and Caroland received a text
23 message from cell phone 907 requesting she send nude pictures
24 of herself. Caroland received another text message from cell
25 phone 907 that the subject wanted the pictures "nude, with
26 your pussy spread open and ass." Caroland texted that Jill
27 did not have a camera. Caroland received a text message from
28

1 cell phone 907 that the subject would send nude ones back
2 once the subject received them from her.

3
4 11. On May 1, 2012, Caroland received more text messages
5 from cell phone 907. The text messages talked about
6 different sexual positions the subject wanted to do to her,
7 to include that he wanted to "fuck her face," do it "doggy-
8 style," and wanted her to "suck him." The subject also
9 described the size of the subject's penis, and asked where
10 they could meet for a sexual encounter if the subject came
11 down to Clovis. Caroland texted cell phone 907 that they
12 could meet at Jill's parents' house if they were at work, or
13 at the Java Loft. Caroland received a text from cell phone
14 907 that the subject's car was too small and too compact to
15 have any fun in. Caroland received a text from cell phone
16 907 asking what hours Jill's parents worked and if Jill knew
17 what time they came home. Caroland received a text from cell
18 phone 907 that said the subject would come to Clovis, New
19 Mexico to have sex with Jill the next day after lunch.

20
21 12. On May 1, 2012, at approximately 9:50 pm, Caroland
22 received text messages from cell phone 907. The text
23 messages asked if the subject could bring a video camera with
24 him and film Jill having sex with the subject and giving the
25 subject oral sex. Caroland received a text message from cell
26 phone 907 that the subject would not show the video to anyone
27 else. During the text messaging on May 1, 2012, Caroland
28 told the subject that Jill's parents were too strict, and

1 that in three more years, when she was 15, things would be
2 better.

3
4 13. On May 2, 2012, Caroland received a text message from
5 cell phone 907 that the subject still planned to come to
6 Clovis, New Mexico after lunch. Caroland received text
7 messages from cell phone 907 asking about where Jill's
8 parents worked and what rank Jill's dad was in the Air Force.

9
10 14. On May 2, 2012, Caroland texted an address to cell phone
11 907 where they could meet in Clovis, New Mexico. At
12 approximately 1:45, a man arrived at the provided address in
13 a 2011 gray Ford Focus, United States Government plate
14 G132845L. The occupant exited his vehicle, walked across the
15 street, approached the decoy house, and entered the front
16 door. The occupant of the vehicle then fled on foot after
17 CCSO identified themselves and ordered him to the ground.
18 CCSO pursued and arrested the man, who was identified as
19 Arnold Gonzales, year of birth 1985, SSN XXX-XX-6028.
20 Gonzales had a condom in his pocket upon his arrest.
21 Gonzales also had a receipt in his pocket from May 2, 2012,
22 for a purchase of Pepto Bismol at gas station in Canyon,
23 Texas.

24
25 15. Gonzales was Mirandized and interviewed by Caroland. In
26 the recorded interview, Gonzales told Caroland he was in
27 Oklahoma City, Oklahoma on May 1, 2012, for an Army meeting.
28 Gonzales was on-duty today, and drove from Oklahoma City,

1 Oklahoma, with his final destination planned as Midland,
2 Texas. Gonzales stated he lives in Midland, Texas. Gonzales
3 said Clovis, New Mexico, was about an hour out of his route,
4 and he came to New Mexico to meet the girl he was texting.
5 Gonzales stated he was told she was twelve years old, and he
6 had no reason not to think she was twelve, but he was only
7 going to have sex with her if she was eighteen years of age
8 or older. Gonzales said he just came to New Mexico to find
9 out how old she was. Gonzales stated he "took the text
10 messaging sexual," and although he texted he was going to
11 video tape the sexual encounter, he was just kidding.
12 Gonzales stated he communicated using his cellular telephone,
13 and accessed his email using his cellular telephone.
14 Gonzales voluntarily showed Caroland his cell phone, a
15 Samsung Smart Phone. Gonzales put in his cellular telephone
16 password, and showed Caroland the text messages. Caroland
17 identified the text messages as the text messages exchanged
18 between Caroland and cell phone 907 described above.

19
20 16. Caroland obtained a search warrant from a State District
21 Court Judge to search the Ford Focus driven by Gonzales. The
22 search yielded the following:

- 23
24 • May 1, 2012, Sleep Inn and Suites receipt,
25 Oklahoma City, Oklahoma, (check-in on May 1,
26 2012, check out on May 2, 2012)
27 • May 2, 2012, 12:18 pm, Allsup's #166 receipt,
28 302 North 15th Street, Canyon, Texas

1
2 17. Kirk Roberts, Curry County Sheriff's Office, interviewed
3 Captain James LaPointe, United States Army. LaPointe
4 confirmed that Gonzales is a United States Army employee,
5 rank E5, with the US Army Recruiting Station in Midland,
6 Texas. LaPointe stated that the Ford Focus was issued to
7 Gonzales just for his recruiting trip to Oklahoma. LaPointe
8 stated Gonzales was on duty May 1, 2012 and on May 2, 2012,
9 and was scheduled to be back in Midland, Texas on May 2,
10 2012. LaPointe stated Gonzales had no reason to be in New
11 Mexico. LaPointe informed Roberts that Gonzales' work
12 computer had been taken from him some time ago, and an
13 investigation was being conducted for sexual misconduct.
14

15 **IV. INTERSTATE NEXUS**

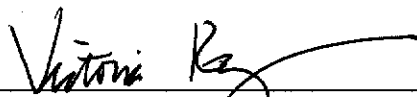
16 18. Based upon the statement by Gonzales to the interviewing
17 agents, Gonzales admitted to traveling from Oklahoma City,
18 Oklahoma, to Clovis, New Mexico in a vehicle so as to satisfy
19 interstate nexus. The physical evidence found in the Ford
20 Focus driven by Gonzales corroborates this admission. Thus,
21 Your Affiant believes interstate commerce is satisfied for
22 purposes of a violation of 18 USC §§ 2423(b) and (f).
23 Additionally, because Gonzales used Craigslist, accessible
24 via the Internet and his cellular telephone to communicate
25 with Caroland, Your Affiant believes a facility or means of
26 interstate nexus is satisfied for purposes of a violation of
27 18 USC § 2422(b).
28

V. CONCLUSION

19. Based on all of the foregoing information, Your Affiant submits there is probable cause to believe that Arnold Gonzales violated 18 U.S.C. §§ 2423(b) and (f), that being, a person who travels in interstate commerce, for the purpose of engaging in any illicit sexual conduct with a person under 18 years of age; and 18 USC §§ 2422(b), that being, a person who uses the mail or any facility or means of interstate or foreign commerce to knowingly persuade, induce, entice or coerce any individual who has not obtained the age of 18 years to engage in any sexual act for which any person can be charged with a criminal offense. Your Affiant requests this Court issue a criminal complaint in this matter charging Arnold Gonzales with a violation of 18 U.S.C. §§ 2423(b) and (f), and 18 USC §§ 2422(b).

I swear that this information is true to the best of my knowledge and belief.

Respectfully submitted,


Victoria M. Ryder
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to
before me this 3rd day
of May, 2012.


CHIEF UNITED STATES MAGISTRATE JUDGE