

AO 91 (Rev.11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

FILED

for the

Middle District of Florida

2014 MAR -7 AM 11: 40

United States of America)

v.)

PATRICK R. MINGA)

Case No. 6:14-mj- 1142

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

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 dates of August 14, 2013 to on or about September 7, 2013, in the county of Brevard in the Middle District of Florida, the defendant violated:

Code Section

Offense Description

18 U.S.C. §§ 2423(d) and (e)

For the purpose of commercial advantage or private financial gain, knowingly attempting to arrange, induce, procure, and facilitate, the travel of a person knowing that such a person would travel in interstate commerce and foreign commerce for the purpose of engaging in illicit sexual conduct.

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.



Complainant's signature

Kenneth McClenahan, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: March 7, 2014



Judge's signature

City and state: Orlando, FL

KARLA R. SPAULDING, U.S. Magistrate Judge

STATE OF FLORIDA

CASE NO. 6:14-mj- 1142

ORANGE COUNTY

AFFIDAVIT

I, Kenneth McClenahan being duly sworn, do hereby depose and state as follows:

1. I am a Special Agent with the United States Immigration and Customs Enforcement (ICE), Office of Homeland Security Investigations (HSI) and have been so employed since June 2010. I am currently assigned to the Office of the Resident Agent in Charge, Cocoa Beach, Florida, which is responsible for conducting criminal investigations and enforcing laws that are under the investigative jurisdiction of the United States ICE-HSI in the counties of Brevard and Volusia, in the Middle District of Florida. I am a law enforcement officer of the United States within the meaning of Section 1401(i) of Title 19, United States Code, and am empowered to investigate and make arrests for violations of United States criminal laws within the meaning of Section 2510(7) of Title 18 United States Code.

2. Prior to becoming a Special Agent with United States ICE-HSI, I was employed as a Deputy Sheriff Agent/Investigator with the Brevard County Sheriff's Office. I am a graduate of the Federal Law Enforcement Training Center and I have attended various advanced training courses related to law enforcement investigations.

3. As a Special Agent, my responsibilities include investigating possible criminal violations of United States Customs and related laws. I have received specialized training in the investigations of sex crimes, child exploitation, child pornography and computer crimes. I have been involved in investigations involving child pornography and online solicitation/enticement of a minor. I have participated in investigations of persons suspected of violating federal laws prohibiting the sexual exploitation of children, including Title 18, United States Code, Sections 2422, 2423, 2251, 2252 and 2252A. I have also participated in training courses for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography. Additionally, I have been involved in authoring and participated in the execution of search warrants involving searches and seizures of computers, computer equipment, software and electronically stored information.

4. This affidavit is submitted in support of a criminal complaint against PATRICK R. MINGA (MINGA) for violations of Title 18, United States Code, Sections 2423(d) and 2423(e). As set forth in more detail below, I believe there is probable cause that MINGA did, for commercial advantage and private financial gain, attempt to arrange, induce, procure and facilitate, the travel of a person in interstate and foreign commerce from Brevard County, Florida, to Quito, Ecuador, for the purpose of engaging in illicit sexual conduct, as that term is defined in Title 18, United States Code, Section 2423(f).

5. I make this affidavit from personal knowledge based on my participation in this investigation, information from other criminal investigators, information from law enforcement officers, information from agency reports, and the review of documents provided to me by these witnesses and law enforcement officers. Because this affidavit is being submitted for the limited purpose of seeking an arrest warrant, I have not set forth each and every fact learned during the course of this investigation.

STATUTORY AUTHORITY

6. A person violates Title 18, United States Code, Section 2423(d), when "for the purpose of commercial advantage or private financial gain, [that person] arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct." The prohibition also applies to a person that attempts or conspires to violate Title 18, United States Code, Section 2423(d). Title 18, United States Code, Section 2423(e). "Illicit sexual conduct" is defined in Title 18, United States Code, Section 2423(f). This definition includes any "commercial sex act (as defined in section 1591) with a person under 18 years of age."

DETAILS OF THE INVESTIGATION

7. On August 14, 2013, HSI Task Force Agent (TFA) Michael Spadafora observed an advertisement on Craigslist which was marketing travel to Ecuador for the purpose of sex tours. It announced, "We have the best

females from Colombia and Ecuador." The advertisement further advised, "Lodging, food and unlimited females for \$1,395 for 7 days."

8. TFA Spadafora, acting in an undercover capacity, from his office in Rockledge, Brevard County, Florida, responded to the ad and wrote via e-mail, "Hello saw your ad for the sexcation trip to Ecuador on Craigslist. I am part of a small group of men that were looking for a very special experience. Our tastes are on the taboo side, do you think this trip would be for us."

9. On August 15, 2013, TFA Spadafora received a reply from a person later identified as MINGA, a United States citizen. MINGA advised, "We specialize in taboo. Everything goes...I have a lot of pilots that fly in and stay at my place to get kinky. Leave me your name or make up a name and email and most important phone number to call and go over our excursion package deal." MINGA then informed that his name was Patrick, and his "Ecuadorian Magic Jack" phone number was XXX-XXX-4428. MINGA attached two photographs to the e-mail, one of himself and one of his wife, Nora.

10. TFA Spadafora responded to the e-mail and told MINGA that he was searching to have sexual relations with young girls. TFA Spadafora also told MINGA he did not want to shock him but his (TFA Spadafora's) taste was for younger teens.

11. MINGA responded via e-mail that he could arrange for TFA Spadafora to have sexual contact with minor children and it would take place in his wife's hometown of San Jose De Minas, where MINGA advised he ran the

whole town. MINGA then requested TFA Spadafora's telephone number.

12. TFA Spadafora sent MINGA an e-mail asking how he (Spadafora) would pay for this trip. On August 16, 2013, MINGA responded, "You pay when you get here and I have everything arranged. Your itinerary is your confirmation that your actually coming so I can start preparation." TFA Spadafora then informed MINGA that he was traveling with a small group and they were interested in three or maybe four 14-year-old girls. Spadafora asked MINGA to provide an estimate of the price of the sex tour, to which MINGA responded that it would be \$1500 per person.

13. On August 21, 2013, MINGA and TFA Spadafora talked on the phone about MINGA'S sex tourism business. TFA Spadafora advised he didn't want to sound weird, but MINGA said he didn't care. TFA Spadafora told MINGA that he and his friends were looking for girls that were 14 or maybe 13 years of age, and looking for someone to hook them up with that. MINGA advised that he has been involved in sex tourism for many years, and that it is very clean in Ecuador: "They are so conscientious they have these little sex kits with alcohol and they take two or three showers a day there just very clean down here." MINGA further stated, "You don't have to worry about diseases." MINGA confirmed that he was working on getting girls 13 and 14 years of age, but that he would need some "type of agreement" in the form of a "small deposit" from TFA Spadafora.

14. On August 27, 2013, TFA Spadafora received a telephone call from

MINGA. MINGA reminded Spadafora that once he (Spadafora) had purchased the plane tickets, MINGA would provide "the excursions, the tours, the girls, and everything." MINGA advised that meal and transportation were also included. TFA Spadafora asked MINGA if he found the girls for them. MINGA stated, "Yeah the girls are ready." TFA Spadafora asked MINGA if the girls were the ages they talked about, 13 and 14 years of age. MINGA responded, "Yeah."

15. MINGA stated that the sex tourism business was different in Ecuador "because they [the girls] give unconditional love, it's not about money they want a report card after you make love to them." MINGA further stated, "They really take it personal, it's not about money, it's about the possibility of getting a husband as well."

16. On or about August 31, 2013, MINGA sent TFA Spadafora an e-mail with a photograph of what appeared to be six young girls dressed in school uniform. MINGA told TFA Spadafora to let him know when he (Spadafora) was coming, and informed TFA Spadafora that he had a business partner managing his "young girl tours in the Banana Forest."

17. On September 27, 2013, TFA Spadafora received a telephone call from MINGA. MINGA told TFA Spadafora to book their flights as soon as possible so that he (MINGA) would at least have a window of time to get everything ready. MINGA stated he needed the deposit because "I have to go driving around with my nephew and start giving out lollipops and telling them that there's a possibility that your whole life could change, you know, you gotta you

gotta you know get these, some of these, some of them are cherries, you know what I'm saying." MINGA then asked TFA Spadafora whether he knew what a "cherry" was. TFA Spadafora told MINGA that he did and said, "They haven't been popped yet." MINGA said, "Exactly." MINGA further stated, "That's why you have to persuade them and I go into the indigenous area and I get these really nice looking girls, and that way it's not like going into Quito where the mothers and fathers are educated." According to MINGA, "the indigenous mother and fathers don't know what's going on."

18. TFA Spadafora told MINGA to send him an e-mail and tell him how much of a deposit he (MINGA) wanted. MINGA said, "If you could make me 50% down that would help." TFA Spadafora asked if he (MINGA) wanted 50% of everybody. MINGA stated, "Yeah, I'm going out there and arranging everything." He also said, "I have to give the money to some of the girls to persuade them."

19. After speaking with MINGA, TFA Spadafora received an e-mail from PMinga9961@aol.com. In the e-mail, MINGA provided information identifying his bank, and bank account number. MINGA asked TFA Spadafora to call him once the deposit had been made.

Banco Del Pichincha
Name: PATRICK Roger MINGA
N7-175 Calle K
Liga Country Club
Quito Ecuador 17175

Account number: XXX XXX 0100
Swift Code: XXXXXceq
Address of Bank: 4545 y-pereira.

20. TFA Spadafora replied to this e-mail and informed MINGA that he would deposit \$1,400 in MINGA'S account.

21. On October 1, 2013, TFA Spadafora called MINGA and informed him that by October 4, 2013, the deposit should be credited to his (MINGA'S) account. MINGA advised that he needed the down payment as a demonstration of good faith in order for him (MINGA) to coordinate the sex tour. MINGA said, "I'm a man of my word and I'm working hard on this thing and I want to make sure I'm not going to waste my time and don't want you wasting your time." TFA Spadafora told MINGA he understood, to which MINGA replied, "We have an agreement for Friday then."

22. On October 4, 2013, an agent, acting in an undercover capacity, deposited \$1,400 in MINGA'S account as a down payment for the Ecuador sex excursion.

23. On October 7, 2013, TFA Spadafora received a voicemail from MINGA. During the recorded message, MINGA stated, "Hey this is Patrick, I got your money I appreciate you making a good faith payment to show that you really mean business." MINGA further stated, "I think we'll have a long going relationship concerning these issues."

24. On October 7, 2013, TFA Spadafora returned MINGA'S call. During the conversation, MINGA told Spadafora about a sexual encounter he (MINGA) had with two young girls. MINGA stated he took Levitra and paid the girls a hundred dollars. MINGA said, "It was really really a nice time to have

these little girls go to town sucking on an ice cream cone you know." MINGA advised that it was great living in Ecuador because in the United States he would go to jail "for making a pass at a young girl like that." TFA Spadafora told MINGA that he was going to make things easy for him and they (his group) did not care about the excursions, they just wanted to "fuck" while they were there. TFA Spadafora told MINGA they did not care about water falls, they just wanted to get laid and "fuck as much as we can," to which MINGA replied, "Exactly."

25. On or about March 2, 2014, MINGA entered the United States from Ecuador and traveled to Huntsville, Alabama. On March 7, 2014, Special Agent Joseph Grey and TFA Spadafora encountered MINGA at 6923 Steeplechase Drive, Huntsville, Alabama. This was a consensual encounter after agents knocked on the door of the residence and MINGA answered and spoke to the agents face to face. At this point, TFA Spadafora was able to positively identify the voice that he had been communicating with regarding travel to Ecuador for sex with minors as the voice of MINGA. Also, TFA Spadafora was able to visually identify MINGA as the same person depicted in the photo purportedly sent by MINGA to TFA Spadafora during the course of the undercover investigation. During the encounter with MINGA on March 7, 2014, MINGA also admitted using e-mail address PMinga9961@aol.com and phone number xxx-xxx-4428 to communicate with TFA Spadafora during the undercover investigation.

CONCLUSION

26. I believe there is probable cause to charge MINGA with violations of Title 18, United States Code, Sections 2423(d) and 2423(e), because he did, for the purpose of commercial advantage and private financial gain, knowingly attempt to arrange, induce, procure, and facilitate, the travel of a person knowing that such a person would travel in interstate commerce and foreign commerce for the purpose of engaging in illicit sexual conduct.


Kenneth McClenahan, Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations

Subscribed and sworn to before me
this 7th day of March, 2014


KARLA R. SPAULDING
United States Magistrate Judge