

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

JOHN MAGEE GAVIN,

Defendant.

Case No. 25-cr-10292-FDS

**UNITED STATES' MOTION FOR AND MEMORANDUM
IN SUPPORT OF PRETRIAL DETENTION**

Defendant, John Magee GAVIN (“Defendant” or “GAVIN”), was a teacher at Josiah Quincy Upper School in Boston. He has now been charged with coercion and enticement of a minor in violation of 18 U.S.C. § 2422(b), receipt of child pornography in violation of § 2252A(a)(2)(A) and (b)(1), and possession of child pornography in violation of § 2252A(a)(5)(B) and (b)(2). The government moves to detain GAVIN pending trial because he is a danger to the community and poses a serious risk of flight. The Court is authorized to conduct a detention hearing and detain GAVIN on each of those independent bases because GAVIN has been charged with crimes of violence under the Bail Reform Act. *See* 18 U.S.C. §§ 3142(f)(1)(A), and 3142(f)(2)(A) and (B). Here, because no condition or combination of conditions can reasonably assure the safety of the community or GAVIN’s appearance, the government respectfully moves for his detention under 18 U.S.C. § 3142(e).

I. STATEMENT OF FACTS

1. The government proffers the following facts in support of its motion to detain the defendant. If necessary, the government will provide additional evidence at the detention hearing.

OVERVIEW / IDENTIFICATION OF DEFENDANT

2. On January 06, 2025, Detective Shanai Hattori from the Brookline Police Department (“BPD”) received a notification from the Tennessee Bureau of Investigation (“TBI”) of an investigation that they were conducting regarding a child exploitation case based on an ICAC Tip. TBI informed Detective Hattori that the father of a thirteen-year-old female minor (“Vt. 1”), reported that she was speaking with older men on an online app, Discord¹ and exchanging nude images. At the time of the incident, Victim 1 was twelve years old when she began exchanging messages with adult men.

3. TBI received written consent from Vt. 1’s parents to search through her phone. Law enforcement conducted a preliminary search of the phone and discovered numerous chats on Discord between Victim 1 and other males. Through the preliminary examination of the phone, law enforcement found several accounts and messages where Victim 1 was communicating with adult males. Victim 1 and the men would discuss their ages and that the messages were sexual in nature and eventually lead to the exchanging of nude images and or videos. One message thread was with a subject with a username, **john90** and a Discord User ID: [REDACTED].

4. TBI investigators submitted an administrative subpoena to Discord for that account information, which identified the accountholder’s phone number, numerous IP addresses, and emails associated with the account. The phone number registered under this account was **XXX-XXX-5829** with an email address [REDACTED]@gmail.com. TBI investigators submitted a subsequent administrative subpoena to Comcast for the subscriber of the associated IP addresses

¹ Discord is an online instant messaging application. In addition to instant messaging, the app also has group messaging, voice calling, video chat, and photo/video sharing capabilities. Users will often use an alias that does not contain their real name as their username.

to the Discord account chatting with Victim 1, which revealed the subscriber to be GAVIN with an address of [REDACTED] BROOKLINE, MA 02446-7040. In addition, the registered phone number corresponded with the phone number associated with the Discord subscriber account. BPD also located the same phone number as being connected to GAVIN based on a 2020 report he filed when his bike was stolen.

5. Investigators also identified GAVIN as a former 6th grade teacher at the Academy of the Pacific Rim Charter Public School located in Hyde Park. An open-source search of GAVIN also showed that he was a paraprofessional with the Brookline Public Schools. Additional follow-up by the Boston Police ICAC Unit later confirmed that GAVIN was up until the time of his arrest a public-school teacher at the Josiah Quincy Upper School in Boston.

STATEMENT OF FACTS

6. On or about January 6, 2025, Brookline Police Department (BPD) in Brookline, MA was notified by a Special Agent (SA) of the Tennessee Bureau of Investigation (TBI) of an investigation they were conducting regarding child exploitation of a Vt. 1. Through the investigation being conducted by the TBI, a subject - GAVIN - was identified and believed to be residing at [REDACTED] Brookline, MA. GAVIN was a Boston public school teacher in Boston, MA.

7. On February 2, 2025, a search warrant for GAVIN's username, john90#0, on social media platform, Discord, was issued and served electronically to Discord. Discord produced the requested chats and data, which were analyzed. Several chat messages reviewed showed that GAVIN had been messaging with multiple underage females between the ages of 12 and 17 years old ("MVT") throughout the country including GA, TX, TN, WV, NC, FL, as well as outside of the US to include the UK and Canada, in total approximately twenty MVTs. Within these chats,

GAVIN engaged in sexual conversations and often asked the MVTs to provide pictures of themselves. A consistent theme to the chats is for both parties to disclose their actual ages in the beginning of the chat, and with GAVIN disclosing he is a teacher. The messages within the chats are largely sexual in nature with GAVIN often asking sexually charged questions to the MVTs to include if they are horny, how often they masturbate, their sexual experiences, and requests for CSAM.

8. On February 7, 2025, a search warrant was executed by BPD on GAVIN's residence. Several items of evidence were seized, and GAVIN was arrested by BPD that same day. Also seized from GAVIN's apartment during the search warrant were a number of items of clothing; including his spartan sleeveless shirt that matched the shirt that he was wearing in the Spartan race photo he sent to a number of his victims, his Christmas themed patterned suit jacket and pants he was wearing in one of the pictures he sent to a victim, and a maroon pair of pants that matched the pants he was wearing in a picture that he sent of himself to one of his victims. In addition, during the search warrant detectives took photos of a pair of white Adidas sneakers that GAVIN was wearing in a picture he sent from his living room to Minor A on Discord. Detectives also photographed a Go Pro in a case that matched the one that was in his Spartan photo at the time of the search warrant. *See: Exhibit E.*

9. GAVIN was arrested by BPD that day and charged out of the Brookline District Court with Enticing a Child Under 16, Obscene Matter to a Minor, Lascivious Pose/Exhibit Child in Nude, and Possession of Child Pornography.

10. On June 11, 2025, agents completed a review of evidence item #1B2 - a blue Apple iPhone (the iPhone), IMEI: [REDACTED] taken from GAVIN during the search warrant. There is also a MacBook Air that FBI's Regional Computer Forensic Laboratory is trying to get into, which may have additional CSAM on it. Agents located on the iPhone approximately 94

total images and 53 videos depicting Child Sexual Abuse Material (CSAM). A review of the evidence found on the subject iPhone 15, revealed that all the files were split between the following file paths:

- File Path 1: \private\var\mobile\Containers\Data\Application\B304AF9C-BD08-422F-8D78-000537C5741C\Documents\Solo\"FILE NAME"
 - Per the GUID in File Path 1, I found it is for Mega and it contains 33 videos of CSAM, all with a "Last Accessed Date" of 8/6/2024.
- File Path 2: \private\var\mobile\Containers\Data\Application\CBC65D3F-6B92-4217-92F4-6D93E8EB9B47\Documents\Vault\"FILE NAME".
 - The GUID in File Path 2 shows that it is for a hidden file vault that looks like a calculator.

The following are three examples of the CSAM images and videos located are as follows:

a) **File Name:** IMG00105.JPG

File Description: This image depicts a prepubescent female, approximately 5-8 years old, based on size and body development. The prepubescent female is wearing a red and white long sleeve striped shirt with a white animated bunny on the front with black writing, that is covered by the prepubescent female's left hand. She is lying on her back on a blue blanket. Her eyes are closed, and she is nude from the waist down. At the bottom of the image an adult male's stomach and erect penis is visible and his penis is penetrating the prepubescent female's vagina.

b) **File Name:** IMG00106.JPG

File Description: This image depicts a prepubescent female, approximately 6-9 years old, based on size and body development. She appears to be completely nude, lying on her back, with her arms above her head. A cloudy liquid resembling semen is in and around her vagina, pelvic area, and stomach.

c) **File Name:** 15Yo Bath Mega Orgasm.mp4

File Description: This video is approximately seven minutes and 51 seconds in length, which depicts a minor female, approximately 13-16 years of age, based on size, body development, and facial features. She is alone in a bathroom and begins the video wearing a grey tank top and denim shorts. She proceeds to strip naked and draw a bath. She then enters the bath and rubs water over her breasts and manipulates her vagina with her hands. The minor female then adjusts the camera and positions her vagina under the faucet of the tub. The minor female moans as the water runs over her vagina.

11. Of the files of CSAM located within the iPhone, sexually explicit acts with minors were observed. The sexually explicit acts observed within the CSAM files include vaginal, and anal penetration of minors. The ages of the minors depicted in the CSAM files range from approximately 5 to 17 years old. The majority of the CSAM files depict minor females but there were also CSAM files depicting minor males as well, to include oral sex on a minor male. GAVIN's collection of CSAM includes 6 identified series from NCMEC.

12. Agents also reviewed the Discord search warrant and identified numerous chats between GAVIN and MVTs, in which GAVIN engaged in sexualized conversations (*including conversation while GAVIN was teaching and discussing girls in his class*), online masturbation sessions with MVTs, and the solicitation and exchange of images from the MVTs. In another conversation, GAVIN talked about his sexual interest in a freshman student at the school where he is employed as a teacher. *See:* example below and in **Exhibit C**.

10/15/2024 – Gavin discusses in chat how he believes there's a girl at school who likes him and the difference is that he actually gets to jerk off to Vic masturbates while the girl at school probably masturbates to him when she goes home

(V): maybe that student like u and just wants ur attention

(G): No I don't think so but I do think there is a girl who does like me

(V): Their actually smart for that tho bc if u think about it it's a good way to get someone (especially someone u like)

(V): Or maybe they just like being yelled at

(G): They just don't want to do work

(V): Like a crush or like obsession

(G): Idk I don't even teach her but I often go into the classroom if I hear it is noisy or I see her in the hallway and every time she says hi to me by name.

(G): Even if its multiple times in less then a minute or two

(V): Freshman

(G): Lol what

(V): Freshman always doing the most like

(G): Lol but don't you agree she probably has a little crush?

(V): Yes but she shouldn't bc we cant share u

(V): So ur not going to agree with me

(G): But here is the difference she probably goes home and thinks of me while fingering herself. You actually get to finger yourself while I jack off to you doing that

See also: examples of photos GAVIN sent of himself to MVTs, including two that appear to be taken inside of a school. See: examples below and **Exhibit D**.



13. In particular, agents identified a chat between GAVIN and a 15-year-old female in Lubbock, Texas (“Minor A”). Agents observed that between January and November of 2024 communications between the two, which began with a discussion of their true ages (*Minor A also disclosing she was in the 9th grade*) within the first day of the chat. GAVIN also disclosed that he is a science teacher, and the messages then turned quickly to being extremely sexual in nature. Multiple images and videos of CSAM of Minor A (she confirmed were her during the CAFI), were then sent to GAVIN from Minor A throughout the chat spanning multiple months; GAVIN’s receipt of this CSAM is documented in the DISCORD chats. Included in those CSAM images and video files that Minor A sent GAVIN, are two videos of her masturbating in the bathtub, digitally penetrating her vagina and anus. See: Exhibit A.

14. In addition, agents identified a chat between GAVIN and a 13-year-old female (“Minor B”), believed to be from Texas, however agents are still working on interviewing her down. Agents observed that between March and December of 2024 communications between the two, which began with a discussion of their true ages during the chat in about April of 2024. GAVIN

also receives an image from Minor B – a close up of her vagina while she is masturbating. The photo was recovered during forensics. Below is a screen shot from the chat on May 30, 2024, when Minor B sent GAVIN the CSAM image. *See: Exhibit B.*

Violation of Massachusetts Terms of Pretrial Release

15. On June 5, 2025, the Massachusetts Probation Service determined that GAVIN violated his conditions of pretrial release for his state charges. **Exhibit F.** One of GAVIN's conditions for pretrial release was "No use of Social Media apps including TikTok, [Kik], Instagram." **Exhibit F.** A review by Massachusetts Probation Service of GAVIN's cellphone showed that he was using the device to access Youtube, Facebook, Instagram, and X (Twitter) all in violation of his pretrial conditions of release. **Exhibit F.**

II. LEGAL STANDARD

The government moves for GAVIN's detention based on his commission of crimes of violence and his risk of flight. *See* 18 U.S.C. §§ 3142(f) and 3156(a)(4)(A). The government can move for detention in any case that involves "a crime of violence." § 3142(f)(1)(A). A crime of violence includes "any felony under chapter 77, 109A, 110, or 117." § 3156(a)(4)(C). GAVIN is charged with a violation of § 2422(b) which is covered under Chapter 109A, and his other charged offenses under § 2252A are included under Chapter 110. *See generally* 18 U.S.C. c. 109A and c. 110. Because all three of GAVIN's charges are crimes of violence, the government can move for detention based on any of his charged offenses. *See* § 3142(f)(1)(A). Further, the government can also move for detention in any case where there is a "serious risk" that the defendant might flee. § 3142(f)(2)(A).

Under the Bail Reform Act of 1984, pretrial detention is required if the Court finds that "no condition or combination of conditions will reasonably assure the appearance of the person as

required and the safety of any other person and the community.” § 3142(e). The government bears the burden of demonstrating that the defendant poses a danger to the community by clear and convincing evidence, or that the defendant poses a flight risk by a preponderance of the evidence. *See United States v. Scott*, Cr No. 06-40006-FDS, 2006 WL 8437926, at *1 (D. Mass. 2006). In determining whether any conditions of release will reasonably assure the defendant’s appearance and the safety of the community, the Court may consider the following factors (1) the nature of the offense charged, including if “the offense is a crime of violence”; (2) “the weight of the evidence against the person”; (3) “the history and characteristics of the person” including the person’s character, employment, community ties, and if at the time of the offense, he was on release pending trial for an offense under State law; and (4) “the nature and seriousness of the danger to any person or the community posed by the person’s release.” 18 U.S.C. § 3142(g).

Furthermore, if the Court finds there is probable cause to believe that a person committed an offense involving a minor victim in violation of § 2422 or § 2252A(a)(2), “it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community.” § 3142(e)(3)(E). If the presumption is met, the burden shifts to the defendant to produce evidence to rebut this presumption. *U.S. v. Dillon*, 938 F.2d 1412, 1416 (1st Cir. 1991). If the defendant provides evidence to rebut the presumption, it “does not cease to have effect” and will “continue[] to operate as one factor to be considered by the court in determining whether the defendant must be detained.” *U.S. v. O’Brien*, 895 F.2d 810, 815 (1st Cir. 1990).

At a detention hearing, “the rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information” 18 U.S.C. § 3142(f).

III. ARGUMENT

- A. There is probable cause to find a presumption that no condition or combination of conditions will assure GAVIN's appearance or the safety of the community.

GAVIN is charged with two offenses in § 2422(b) and § 2252A(a)(2)(A) that both carry a presumption of detention if the Court finds that there is probable cause to believe that he committed the offense. § 3142(e)(3)(E). For coercion and enticement of a minor, the defendant must (1) knowingly persuade an individual under the age of eighteen to engage in sexual activity; (2) believe that the person was under eighteen years old; and (3) could have been charged with a criminal offense for engaging in the specified sexual activity. § 2422(b). For receipt of child pornography under § 2252A(a)(2)(A), the defendant must knowingly receive child pornography by any means of interstate commerce, including by computer.

Defendants charged with similar offenses involving minor victims are frequently detained in the First Circuit. *See U.S. v. Gonzalez-Hernandez*, Cr. No. 22-157 RAM, 2022 WL 2965581 at *4 (D.P.R. Jul. 6, 2022) (upholding order of detention for defendant charged with § 2422(b) and § 2252(a)(2) in part because there was “strong” evidence of sexual Facebook messages between defendant and a minor and defendant sent “lewd videos and pictures” to a minor); *U.S. v. Arias-Matos*, Cr. No. 22-75 SCC, 2022 WL 1261329, at *2 (D.P.R. Apr. 27, 2022) (upholding order of detention for defendant charged under § 2252A(a)(2) and § 2252A(a)(5)(B) where a search warrant of defendant's devices showed “female minors engaging in sexual acts with . . . male adults.”); *see also U.S. v. Groves*, 693 F.Supp.3d 106, 110-11 (D. Mass 2023) (granting the government's motion for the revocation of defendant's pretrial release where she was charged with § 2252A(a)(2) for taking explicit photos of children at the daycare she worked at.).

Here, there is substantial evidence to show probable cause that GAVIN committed both offenses to support a presumption of pretrial detention. **Exhibits A and B.** Much like *Gonzalez-*

Hernandez, there is strong evidence of sexual messages between GAVIN and multiple minor victims. *See* 2022 WL 2965581 at *4. Moreover, there is also evidence that GAVIN enticed a minor victim into sending him “lewd videos and pictures.” *Id.* Additionally, like *Arias-Matos*, the images found on GAVIN’s iPhone depicted graphic sexual imagery of children being sexually assaulted by adult men. 2022 WL 1261329, at *2. Most importantly, like the defendant in *Groves*, GAVIN was employed in a position of public trust around minors. 693 F.Supp.3d at 110. While GAVIN’s conduct did not actively include the students at his school, it is clear from his messages and interest in teenage girls that he frequently fantasized about having sex with a student. *See Exhibits A and C.* Similar to *Groves*, GAVIN worked with children on a daily basis and was able to conceal his sexual interest in his students from his employer and the community. 693 F.Supp.3d at 110. Accordingly, the evidence and circumstances in this case clearly support a presumption of pretrial detention. However, even if the Defendant offers some evidence to rebut this presumption, the Court can still weigh this presumption as a strong factor that supports GAVIN’s detention. *See O’Brien*, 895 F.2d at 815.

B. The additional factors under § 3142(g) overwhelmingly favor detention.

1. *The Nature of the Offense is a Crime of Violence*

In addition to the presumption of pretrial detention, the four factors under § 3142(g) also overwhelmingly support a finding of pretrial detention. First, the Court must consider the nature of the offenses charged. § 3142(g)(1). Because GAVIN is charged under § 2422(b) and two offenses under § 2252A, these crimes are considered crimes of violence because they are included in chapters 109A and 110, respectively. § 3156(a)(4)(C).

Additionally, the nature of GAVIN’s offenses is particularly disturbing considering his career as an education professional. There were 147 files found on his phone that showed children

naked or involved in sexual acts. Some of these files depicted girls as young as 5-8 years old being raped by an adult male. GAVIN was not only viewing this content, but he was actively seeking out young girls to send him videos to add to his collection. In total, GAVIN reached out to approximately twenty minor females between the ages of 12 and 17 for the purpose of engaging in a sexually explicit conversation. This is particularly concerning considering that at the same time, GAVIN was a teacher of students who were the around the same age as his online victims. GAVIN's messages to his victims demonstrate that the teacher-student relationship and power dynamic was something he frequently thought about and found sexually enticing. In addition to GAVIN's large collection of child pornography, his behavior of messaging underage girls while in a position of trust makes his conduct even more disturbing.

The nature and circumstances of his conduct strongly favor detention.

2. The Weight of the Evidence is Strongly Against GAVIN

The second factor the Court must consider is the weight of the evidence against the defendant. § 3142(g)(2). There is an overwhelming amount of evidence in this case against GAVIN. There were 147 files of CSAM found on his phone and the contents of his laptop may reveal even more. There are approximately twenty victims between the ages of 12 and 17 that GAVIN contacted for the purpose of engaging in a sexual conversation. There are hundreds of messages between GAVIN and his victims that demonstrate his sexual interest in children. There are multiple messages where GAVIN clearly solicits sexual photographs and videos from girls who told him that they were underage. There are direct quotes from GAVIN that demonstrate his sexual interest in students at Josiah Quincy.

The strong weight of the evidence favors detention.

3. The Defendant's History and Characteristics Show that Pretrial Detention is Necessary

The third factor the Court must consider is the history and characteristics of the defendant. § 3142(g)(3). The defendant has already violated the terms of his pretrial release in Massachusetts by accessing social media. **Exhibit F**. Accordingly, there is already evidence that he will be unable to comply with any conditions of release. Importantly, another one of his conditions of release in Massachusetts is a no contact order with children under 18. **Exhibit F**. Since GAVIN has already demonstrated that he is unable to comply with his conditions of release, allowing his pretrial release would significantly increase the chance that he will try to talk to underage girls again.

As a result, GAVIN's history and characteristics also favor detention.

4. GAVIN Would Pose a Serious Danger to the Community if he was Released

The final factor the Court must consider is whether if released, the defendant would be a "danger to any person or the community." § 3142(g)(4). GAVIN was a career teacher and education professional in the Boston area. During his career, he has come into contact with hundreds, if not thousands of children who live in the Boston area. The evidence shows that GAVIN has a sexual interest in children and the students that he taught. *See Exhibits A, B, and C*. His pretrial release would endanger his former students who he has demonstrated a sexual interest in. *See Exhibit C*. There is a serious risk that GAVIN could use his relationship with the students or the knowledge he has learned about them to arrange a meetup or contact these students. Finally, the defendant's home in Brookline is located approximately a quarter mile from a playground. **Exhibit G**. Considering GAVIN's interest in both young boys and girls, his home's proximity to the playground is also significantly concerning.

Therefore, there is a serious concern that GAVIN's pretrial release would pose a significant danger to minors in the community.

C. The Defendant is a flight risk.

The Court should also find that the pretrial release of GAVIN would pose a serious threat that he might flee. GAVIN faces a significant ten-year mandatory minimum penalty for the coercion and enticement of a minor under § 2422(b). Additionally, the charge under § 2252A(a)(2) carries a substantial mandatory minimum penalty of five years. Therefore, due to the significant penalties that these offenses carry, there is a legitimate concern that he might flee. He also has previously shown that he is unable to comply with conditions of pretrial release. **Exhibit F.**

For these reasons, there are no conditions that can reasonably assure his presence in court.

IV. CONCLUSION

For the preceding reasons, the Government respectfully requests that the defendant be detained pending his trial.

Respectfully submitted,

LEAH B. FOLEY,
United States Attorney

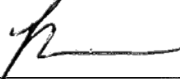
By:



LUKE A. GOLDWORM
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ 
Luke A. Goldworm
Assistant U.S. Attorney

Dated: July 18, 2025