

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America

v.

BRIAN RAY DUNLAP

Case No.

3:18-mj-1368-MCR

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 October 5, 2018 - October 9, 2018 in the county of St. Johns in the
Middle District of Florida, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2422(b)

Attempted online enticement of a minor.

This criminal complaint is based on these facts:
see attached affidavit.

☐ Continued on the attached sheet.



Complainant's signature

Special Agent Jonathan S. MacDonald, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

10/29/18

City and state:

Jacksonville, FL



Judge's signature

Monte C. Richardson, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Jonathan MacDonald, being duly sworn, state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been so employed since 2008 when I began my training at the FBI Academy in Quantico, Virginia. I am currently assigned to the Jacksonville, Florida Division of the FBI where I conduct a variety of investigations in the area of violent crimes. A portion of my duties are dedicated to investigating cases involving crimes against children under the auspice of the FBI's "Innocent Images" National Initiative. In the performance of my duties, I have investigated and assisted in the investigation of matters involving the advertisement for, possession, collection, production, receipt, and/or transportation of images of child pornography and the solicitation and extortion of children to produce sexually explicit images of themselves. I have been involved in over 100 searches pertaining to the advertisement for, possession, collection, production, and/or transportation of child pornography through either the execution of search warrants or through the subject providing written consent to permit a search to be conducted. I have investigated and assisted in the investigation of criminal matters involving the sexual exploitation of children that constituted violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, and 2423, as well as Florida state statutes that criminalize sexual activity with minors and other methods of child sexual exploitation.

2. I have investigated and assisted in the investigation of criminal matters involving the sexual exploitation of children that constituted violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, and 2423, as well as Florida state statutes that criminalize sexual activity with minors and other methods of child sexual exploitation. I have worked closely with members of Homeland Security Investigations (HSI), the Florida Department of Law Enforcement (FDLE), the Jacksonville Sheriff's Office (JSO), the St. Johns County Sheriff's Office (SJSO), and the Clay County Sheriff's Office (CCSO), among other agencies. These agencies routinely share information involving the characteristics of child sex offenders as well as investigative techniques and leads. As a federal agent, I am authorized to investigate and assist in the prosecution of violations of laws of the United States, and to execute search warrants and arrest warrants issued by federal and state courts.

3. The statements contained in this affidavit are based on information I obtained from reviewing investigative reports, recordings and from information directly provided to me by other law enforcement officers and personnel. This affidavit is being submitted for the limited purpose of establishing probable cause for the filing of a criminal complaint, and I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that BRIAN RAY DUNLAP has

committed a violation of Title 18, United States Code, Section 2422(b), that is, attempted online enticement of a minor.

4. I make this affidavit in support of a criminal complaint against BRIAN RAY DUNLAP, that is, during the period from on or about October 5, 2018 through on or about October 9, 2018, in the Middle District of Florida, BRIAN RAY DUNLAP, using a facility of interstate commerce, that is, by cellular telephone and computer via the internet, did knowingly and willfully attempt to persuade, induce, entice, and coerce a person whom DUNLAP believed had not reached the age of 18 years to engage in sexual activity for which a person can be charged with a criminal offense under the laws of the state of Florida, that is, the crime of lewd or lascivious battery upon a person 12 years of age or older but less than 16 years of age, in violation of Sections 800.04(4)(a), Florida Statutes, all in violation of Title 18, United States Code, Section 2422(b).

5. On October 11, 2018, I received an investigative report from St. Johns County Sheriffs' Office (SJSO) Detective Cheyenne Kroul. She provided information about an ongoing investigation of BRIAN RAY DUNLAP for violations of Florida statutes involving child sexual exploitation. Detective Kroul advised that SJSO Detective Mohammad Toubaili was the online undercover officer involved in this investigation. I know both Detective Kroul and Detective Toubaili are sworn SJSO Deputy Sheriffs who are assigned to the SJSO Internet Crimes

Against Children Unit, are members of the North Florida ICAC Task Force and therein conduct investigations involving a variety of internet related, crimes against children. This investigation resulted in the arrest of BRIAN RAY DUNLAP on October 9, 2018, in St. Johns County, Florida.

6. On October 24, 2018, I met with Detectives Kroul and Toubaili to review their reports and further discussed the details of this investigation. I have also reviewed reports and logs on online conversations in this investigation. On the same day, they advised me of, in substance and among other things, the following:

a. On October 5, 2018, Detective Toubaili was acting in the capacity of an undercover officer and began conducting an online undercover operation designed to identify and target adult individuals who were seeking to make contact with and engage in illegal sexual activity with minor children. While working online in an undercover capacity, Detective Toubaili created an online post using a particular Internet commerce website. Based on my training and experience, I know that this particular website is often used to allow individual users to meet online, engage in conversation through email, and share photographs.

Detective Toubaili posted an advertisement that stated "**New to the area** Single dad of two girls new to the area lookin for some family fun. my girls are 9 and 12. would like some fun things to do. if interested shoot me an email". In this

investigation, Detective Toubaili planned to and did in fact assume the persona of an individual who was the father of 9 and 12 year old female children.

b. On October 6, 2018, an individual who later referred to himself as “Brian,” a “white male 66 years old with ED”, responded to Detective Toubaili’s advertisement and contacted Detective Toubaili’s undercover persona through email. The conversation between the undercover persona used by Detective Toubaili (“UC”) and the user “Brian” began on October 6, 2018 and continued until October 9, 2018 within the email capabilities of the particular internet commerce website and then continued through Gmail facilities and text messages. Detective Toubaili made copies of and preserved as evidence the posts, the emails and the text messages exchanged between UC and “Brian,” later identified as DUNLAP.

7. On October 24, 2018, I received copies of the all on the online communications between UC and “Brian,” identified as and referred to below as DUNLAP, from Detective Kroul. I have reviewed these messages and learned the following:

a. On October 6, 2018, online communications started with the communications set forth below (DUNLAP is referred to below both as “Brian” and as “Suspect”):

Suspect: “Welcome to the area. Since you posted to this part of CL what are your desires?”

Suspect: “Old wm love to play with the family. Are there any charges”

b. On October 8, 2018, the UC responded and the conversation continued as follows:

UC: "Hey sorry im just getting back to you I had to work over the weekend. What I am offering has to be very discreet. Are you able to be discreet? If so than we can chat more."

Suspect: "Yes of course I can. Ameteur photographer so would love to take pictures. Are you expecting payment?"

Suspect: "I know you play with your daughters and expect if you invite me to play too I must help. DO they need clothes or something."

Suspect: "Noticed you reposted your ad. I do not want to be arrested so how much and when?"

Suspect: "Plus their pictures"

UC: "no I didn't post this ad for pics of them, what are you interested in?"

UC: "if your asking for pictures of them, im not doing that either cuz i don't want their faces out there"

Suspect: "Didn't want face pics. I wat to play with the girls. Dressed and undressed. \$200"

Suspect: "You posted so i want to use their mouths as you do and other openings you have already used"

Suspect: "Want this for a weekly deal"

Suspect: "What am I allowed to do? Their your girls. If I can only look at them undressed not paying \$200"

Suspect: "I would love to become friends with you and your girls. I understand that this must be discrete. I'm a retired male and not sure what

you had in mind with the family fun statement. I can only assume it is a clothing optional games."

UC: "What do you mean by play? And can we text or use a dofferen email? These Craigslist emails are getting all weird."

Suspect: "Not looking to hurt your girls. Since they have something to do with this please tell me your desires. Just seeing them naked is ok too"

Suspect: "Since your are interested please tell if you want this to happen and how much do you want"

Suspect: "And what i can do"

UC: "I haven't done anything wit them because they are my girls. Tell me what you'd like to do and I'll tell you if I'm cool with it. As long as you don't want to hurt them I'm ok wit it, I'm open."

Suspect: "I want to see them naked. Take their pictures naked and lick their pussy if that's ok"

UC: "I'm ok with that. Can you tell me a little about yourself?"

Suspect: "I'm a white male 66 years old with ED. I am an amateur photographer."

Suspect: "You still haven't told me how much money you want"

UC: "ED?? ANd by the way, my names is Charles, what's yours? What type of photos do you take?"

Suspect: "I'm Brian, and most of pictures are of St. Augustine. I have a professional camera and have sold several pictures. I have the equipment to print 13x 19 and ability to matte for framing."

Suspect: "About the ED it takes a pill to maybe get hard. I still like to look and take pictures. Older women want to pose themselves. So younger girls it is. If you want some to send to family I can do that"

UC: "That's awesome. Do you have any kids or married?"

Suspect: "I'm married but since her stroke I must take care of her and kids three boys but two have passed from drugs, the other in jail. A daughter that 50 from marriage."

UC: "I'm sorry about your wife. I'm sure that's got to be hard. Have you ever done something like this before?"

Suspect: "Your girls probably love going to the beach or historic sites and have their picture taken"

Suspect: "Yes i have."

Suspect: "Being with young girls make me feel alive. What are you planing for your girls after I get them ok with not wearing clothes?"

Suspect: "DO you want to lick your girls pussy? Have them see you naked?"

Suspect: "As far as being with the girls their age are unsure of their bodies. Wanting an adult to say it's pretty. My 11 yo gf from years back loved to show off.

UC: "Yeah they like it but I take plenty of pics of them."

Suspect: "So what do you want me to do? Sounds like you are are changing your mind. All cards on the table For this to happen how much do you want."

UC: "No I don't because they are my flesh and blood. I wanted to find someone that wouldn't hurt them and that I could approve of first."

Suspect: "It in your court now. I won't hurt your girls and get them ready for you."

Suspect. "And it will take more than one visit"

Suspect: "Their virginity is yours"

Suspect: "Now I understand. I can do my thing as long as you get your daughter in your bed. Yes i can get them ready but in one day"

UC: "Well when do you want to do this? Are you sure you are ok with it?"

Suspect: "My gf didn't like she had no boobs so told her they needed rubbing and sucked on. After a month told she needed to be fucked and that might help."

Suspect: "I'm retired so it's up to you. have to put the wife to bed now so not today"

Suspect: "Tomorrow is ok after the girls get home from school. It seems you have work the weekends."

UC: "I'm free tomorrow night all night and Wednesday before 7:00 pm. What exactly do you want to do? And which daughter?"

Suspect: "Tomorrow works. Tell them you hired a professional photographer to their pictures so i can get them to change clothes. The younger one should be ok with me being in the room as she changes. The older will get jelious and change too. I need an address"

UC: "So all you want to do is take pictures? I think I will pass if that's what you're looking to do."

Suspect: "Ok since you don't like that idea just give time with the younger one"

UC: "Ok and what do you want to do with her? Her name is Maddie."

Suspect: "Get her undressed. Show her my cock. Let her play with it. Get her interested in daddy's. Call you into the room"

UC: " I'm not having or wanting to have sex with my daughters? Why do you not understand that?"

Suspect: "Ok I'll just play with her and eat her pussy. You said I could. Still need an address and time"

UC: "Would you be ok with meeting in public first"

Suspect: "Calling it a night. You decide what daughter you want me to start with. Need address and time"

UC: "I'll email you in the morning on a time and place. Probably after dinner if that's alright with you. I planned to take the girls to the mall so maybe there and then back to my house which is about 5 miles away."

Suspect: "That would probably be better."

Suspect: "It's your daughters and their safety is utmost on both our minds you pick the time and place tomorrow and i will be there"

c. The conversation continued on October 9, 2018 as set forth below:

UC: "im going to take the girls to dinner tonight, then to the mall. Do you want to meet me at the mall around 6:30 pm?"

Suspect: "That works for me. Which mall and at what store?"

UC: "its the mall on 16 thats the inside mall, over by the ford dealership i believe. we can meet around the food court area"

Suspect: "I'll be there. I'm trusting this isn't a sting or something to get me arrested"

UC: "no, is this a sting on your end?"

Suspect: "No it not on my end either. It just this is a dream come true. Finding someone that wants me to play with their girls"

UC: "well good i trust you but since were gonna meet today, do you want a pic of me so you know who you are looking for?"

UC: "and can i get one of you too"

Suspect: "Yes i would. Include the girls too."

Suspect: "Of course as soon as I can figure how to attach a picture"

UC: "i told you that i wasnt going to put thier pictures out there but i can send a pic of me, you will be able to see them tonight.
heres my number if you want to text me the pic instead 904-XXX-XXXX"

d. On October 9, 2018, Brian sent a text message to the UC and the conversation continued via text messaging. During this period, UC and Brian exchanged approximately 9 text messages, confirming the details of the meeting location and time. I have reviewed all of these messages.

e. Specifically, on October 9, 2018, at 12:02 PM EDT, UC received a text message sent to his undercover telephone number 904 XXX XXXX from telephone number 904 YYY YYYY used by DUNLAP that read "Here I am". Eight minutes later, DUNLAP sent UC a photo depicting the face and shoulders of an older bald white male with glasses. I have reviewed DUNLAP's photo in the Florida Driver and Vehicle Information Database (DAVID) and I believe that these two photos depict the same individual. At 2:42 PM EDT, UC replied and typed "hey sorry this just came through hang on let me get a pic to send to you". UC then sent a photo of depicting his own face to DUNLAP over the internet. The online conversation continued as follows:

Brian: Thank you. What were you going to tell the girls about me?

UC: they know why I posted the ad, and they seem excited to meet you.

Brian: Ok see you at 6:30

UC sounds good, let me know when you get there and I will tell you exactly where I am

Brian: I know it's early but normally drive this time of day and unsure where the food court was

UC: Hey man where are you at. I'm at the food court.

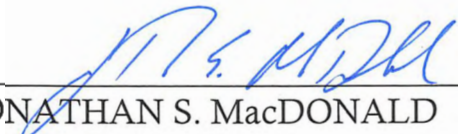
8. The last text communication from DUNLAP listed above occurred on October 9, 2018 at approximately 5:42 PM EDT. In order to intercept DUNLAP, Detective Kroul and other law enforcement officers traveled to a predetermined shopping area that had been agreed upon and discussed by DUNLAP and UC. Law enforcement personnel from the St. Johns County Sheriff's Office who were present at the predetermined location and observed DUNLAP walking around smoking a cigarette at the predetermined location and identified DUNLAP from his photo that is referred to above.

9. Shortly after DUNLAP was identified by law enforcement, DUNLAP was observed leaving the predetermined location in his vehicle and was followed to Interstate 95. After driving on Interstate 95, officers conducted a traffic stop of DUNLAP's vehicle. DUNLAP was arrested and transported to the St. Johns County Sheriff's Office. Shortly thereafter, DUNLAP was interviewed by Detective Kroul. This interview was recorded on audio and video, and I have reviewed these recordings. After being advised of his constitutional rights, DUNLAP waived his rights and made statements. During this interview, DUNLAP stated, in summary

and among other things, that he had responded to the advertisement posted by UC, he engaged in online conversation with UC, he traveled to the particular predetermined shopping area, he sent a photograph of his face to UC, and he was arrested. Shortly thereafter, the interview was concluded.

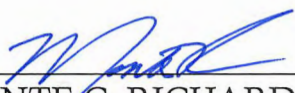
10. Based upon the foregoing facts, I have probable cause to believe that from on or about October 5, 2018 through on about October 9, 2018, in the Middle District of Florida, BRIAN RAY DUNLAP, using a facility of interstate commerce, that is, by computer via the internet and cellular telephone, did knowingly and willfully attempt to persuade, induce, entice, and coerce a person whom DUNLAP believed had not reached the age of 18 years, to engage in sexual activity for which a person can be charged with a criminal offense under the laws of the state of Florida, that is, the crime of lewd or lascivious battery upon a person 12 years of age or older

but less than 16 years of age, in violation of Section 800.04(4)(a), Florida Statutes, all in violation of Title 18, United States Code, Section 2422(b).



JONATHAN S. MacDONALD
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 29th day of October, 2018, at Jacksonville, Florida.



MONTE C. RICHARDSON
United States Magistrate Judge