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AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT

MAR 25 2019

for the

District of Minnesota

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

UNITED STATES OF AMERICA

UNDER SEAL

v.

JOSIAH RAUL MOSQUEDA

Case No. **19-mj-187 TNL**

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On and between July 6, 2017, and December 23, 2018, in Hennepin County, in the State and District of Minnesota, Defendant **JOSIAH RAUL MOSQUEDA**

(1) Knowingly received child pornography on or about July 6, 2017; (2) Knowingly induced and persuaded, and attempted to induce or persuade, two separate minors under the age of 16 to engage in sexual activity with him on the following dates: April 11-12, 2018, December 19, 21, and 23, 2018; (3) Knowingly produced child pornography on or about November 10, 2018; (4) Knowingly transferred obscene material to another individual under the age of 16 on or about November 10, 2018; and (5) Knowingly distributed child pornography on or about December 15, 2018.

All in violation of Title 18, United States Code, Sections 1470, 2251, 2252, and 2422.

I further state that I am a Special Agent and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: Yes No

Rachel Nelson
Complainant's signature

Rachel Nelson, Special Agent MN BCA

Printed name and title

Sworn to before me and signed in my presence.

Date: March 25, 2019

City and State: Minneapolis, MN

Tony N. Leung
Judge's Signature

Tony N. Leung
United States Magistrate Judge

Printed Name and Title

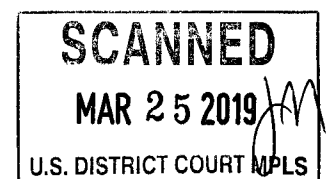
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MAR 25 2019
U.S. DISTRICT COURT MINNAPOLIS

19-mj-187 TNL

STATE OF MINNESOTA)
) ss. Affidavit of Rachel J. Nelson
COUNTY OF HENNEPIN)

Background

1. I am a Special Agent (“SA”) with the Minnesota Bureau of Criminal Apprehension (“BCA”) and have been so-employed since October 2018. Prior to my employment at the BCA, I was employed by the Chaska Police Department since October 2000, serving in the investigations unit for over 13 years. In that capacity, I investigated cases involving child pornography and child abuse. I also investigated general felony crimes against persons and property. I have been employed as a licensed peace officer in the State of Minnesota for over 18 years. I am currently assigned to the Predatory Crimes Unit at BCA Headquarters in St. Paul, Minnesota. As a BCA Special Agent, my responsibilities include the investigation of criminal offenses involving the sexual exploitation of children using computers, computer networks, and the internet. I am a member of the Minnesota Internet Crimes Against Children Task Force. While employed by the BCA and Chaska Police Department, I have participated in numerous investigations in which I have collected evidence in electronic form. I have also received training in criminal investigations involving the sexual exploitation of children.



2. In December 2018, I was appointed as a Special Deputy US Marshal with the North Star Fugitive Task Force. Accordingly, I am authorized to seek and execute federal arrest warrants and federal search warrants.

Purpose of this Affidavit

3. This Affidavit is being submitted in support of Applications for the following:

- (i) Complaint against **Josiah Raul Mosqueda (“MOSQUEDA”)**, charging him with (1) Receipt of Child Pornography on or about July 6, 2017, in violation of 18 U.S.C. § 2252; (2) Coercion and Enticement on or about the following dates: April 11-12, 2018 (Minor #3), December 19, 2018 (Minor #1), December 21, 2018 (Minor #1), and December 23, 2018 (Minor #1), in violation of 18 U.S.C. § 2422; (3) Production of Child Pornography on or about November 10, 2018, in violation of 18 U.S.C. § 2251; (4) Transfer of Obscene Material to Children on or about November 10, 2018, in violation of 18 U.S.C. § 1470; and (5) Distribution of Child Pornography on or about December 15, 2018, in violation of 18 U.S.C. § 2252;
- (ii) Search Warrant authorizing the search of the person of **MOSQUEDA**;
- (iii) Search Warrant authorizing the search of **MOSQUEDA’s** residence, located at 3332 Portland Avenue #1, Minneapolis, Minnesota; and

- (iv) Search Warrant authorizing the search of **MOSQUEDA's** car, a 2014 Kia Rio assigned Minnesota license plate BKJ530 and registered to **MOSQUEDA** at the Portland Avenue residence.

The locations described in paragraphs 3(ii)-3(iv) are referred to collectively as "**TARGET LOCATIONS.**" At the **TARGET LOCATIONS**, I seek to seize evidence, fruits, and instrumentalities of the criminal violations described in paragraph 3(i), as more fully described in Attachment B, which is incorporated herein by reference. I specifically request that the Search Warrant authorize the seizure of any electronics or electronic storage media found at the **TARGET LOCATIONS** for forensic review at the Minnesota BCA.

4. The statements in this Affidavit are based, in part, on information provided by other law enforcement officers and on my investigation of this matter. Since this Affidavit is being submitted for the limited purpose of securing a criminal Complaint and a Search Warrant, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause supporting the criminal Complaint and the Search Warrant.

Applicable Statutes

5. Title 18, United States Code, Section 1470, prohibits the knowing transfer of obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years.

6. Title 18, United States Code, Section 2251, prohibits the use of a minor to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that such visual depiction will be transmitted using a means of interstate or foreign commerce, including over the Internet.

7. Title 18, United States Code, Section 2252, prohibits the knowing receipt of any visual depiction of a minor engaging in sexually explicit conduct where the depiction was transported in or affecting interstate or foreign commerce, including over the Internet.

8. Title 18, United States Code, Section 2252, prohibits the knowing distribution of any visual depiction of a minor engaging in sexually explicit conduct where the depiction was transported in or affecting interstate or foreign commerce, including over the Internet.

9. Title 18, United States Code, Section 2422, prohibits the use of any means of interstate or foreign commerce, including the Internet, to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18

years to engage in any sexual activity for which any person can be charged with a criminal offense. The statute prohibits any attempt as well.

10. Minnesota Statutes 609.343 and 609.345 prohibit sexual contact between anyone under the age of 16 and any individual who is more than 48 months older and/or in position of authority.

Details of the Investigation

11. **MOSQUEDA** is 27 years old. He was born on March 21, 1992. **MOSQUEDA** has a Linked-In profile. In that profile, he describes himself as “an activist, an aspiring educator, and a sociologist dedicated to assisting youth from all walks of life in achieving success. I am passionate about the rights and safety of LGBTQ youth in education, housing, and access to inclusive health care.” According to that profile, **MOSQUEDA** is employed as a paraprofessional at a public charter school in the City of Minneapolis (“Charter School”). **MOSQUEDA** also claims to be an Americorps Promise Fellow, serving as a volunteer in a different middle school in Minneapolis, Minnesota. A review of **MOSQUEDA’s** Facebook profile also suggests that he is in graduate school.

12. Minor #1 was born in October 2004 and attends the Charter School. He was 13 years old when he first began communicating with **MOSQUEDA** on Facebook. He is currently in the eighth grade. The Facebook messaging between

MOSQUEDA and Minor #1 reflects that **MOSQUEDA** is aware of Minor #1's age and birthday.

13. Pursuant to a state court search warrant, on March 6, 2019, I received the contents of **MOSQUEDA**'s Facebook account for the period January 1, 2017, through January 7, 2019.¹ A review of **MOSQUEDA**'s Facebook account revealed the following:

a. On June 27, 2018, **MOSQUEDA** initiated a friendship with Minor #1 via Facebook. They began communicating via Facebook Messenger on August 28, 2018, when **MOSQUEDA** sent Minor #1 a message about finding a boyfriend for another student. **MOSQUEDA** deemed himself the Charter School's "Fairy Gaymadre." I know that "madre" means "mother" in Spanish. Thus began the exchange of hundreds of messages over the next several months, mostly of a sexual nature.

b. On November 10, 2018, **MOSQUEDA** and Minor #1 discussed Minor #2, who Minor #1 described as 14 or 15 years old. It is apparent from the conversation that while Minor #1 was messaging with **MOSQUEDA**, he purported to be engaging

¹ Facebook is a social media platform that is commonly accessed with a user's smartphone or computer. Facebook allows users to post images, videos, etc. on the user's Facebook profile, as well as on the profiles of "friends." Facebook also has a direct messaging platform, which is similar to texting. Any pictures or videos sent via the messaging platform can be saved/downloaded to the user's computer/smart phone.

in phone sex with Minor #2. In their Messenger conversation, **MOSQUEDA** told Minor #1: "Make [Minor #2] cum." Minor #1 replied: "I will." **MOSQUEDA** told Minor #1: "Make him take a picture of the mess." "Show it to daddy?" Minor #1 replied: "Yes." Thereafter, Minor #1 sent an image of a penis with semen running down it.

c. During the November 10, 2018, conversation, **MOSQUEDA** offered to teach Minor #1 "some tricks" about how to "eat ass." Throughout their Facebook messaging, **MOSQUEDA** repeatedly boasted that he was a "god" at "rimming." During the November 10, 2018, Facebook conversation, **MOSQUEDA** sent two close-up images of his penis to Minor #1. After sending the first image, **MOSQUEDA** commented, "Usually my balls are bigger just fyi." Prior to sending the images, **MOSQUEDA** wrote, "I mean if I show you you literally cant show anyone. I would go to jail and never be able to teach or work in a school lol."

d. On November 11, 2018, Minor #1 wrote **MOSQUEDA**: "Dsmn [Minor #2] sent me his ass" "saying im waiting for your dick." **MOSQUEDA** replied: "showwww daddyyyy." Minor #1 responded by sending a screen shot of an exposed buttocks with "it's waiting for your dick" superimposed over it. **MOSQUEDA** responded, "Hoy damn lick that ass." I know that "hoy" means "now" in Spanish.

e. Later in the November 11, 2018, Facebook conversation, **MOSQUEDA** and Minor #1 discussed that Minor #1 was participating in "no nut November."

MOSQUEDA responded: “Show me your balls they must be huge at this point.” Minor #1 did not share any images on Facebook Messenger in response to the request.

f. In a November 17, 2018, conversation, **MOSQUEDA** referred to himself as “papi” and told Minor #1, “papi always wants that sexy boypussy.” **MOSQUEDA** discussed “chasing” Minor #1: “. . . papi likes to chase ;) because once he does . . . once he catches you . . . he likes to pin his baby down, bend him over, and eat that ass out for hours.;)”

g. On November 23, 2018, **MOSQUEDA** and Minor #1 discussed sexual conduct between Minor #1 and another boy. **MOSQUEDA** told Minor #1: “I want to lick hisncum put of your ass ;) jaja.” In a conversation the next day, **MOSQUEDA** told Minor #1 the following: “Oh honey kinky is my middle name. I can do it all . . . you want daddy to tie you up? He has a sex rope for that . . . What if I put a collar on you? or make you wear sexy underwear and parade around for me? . . . I mean again I eat ass like a god . . . I’m kinky af [as fuck]. I’ll try anything once that isn’t shitplay. I can be a splenda daddy . . . lol [laugh out loud], damn idk [I don’t know] what else you’re looking for lol.”

h. Also on November 24, 2018, **MOSQUEDA** messaged Minor #1 “just curious . . . someday (not necessarily tonight) would a vid [video] of the cum fountain be something you would want to see?”²

i. On November 30, 2018, into December 1, 2018, **MOSQUEDA** promised Minor #1 “Daddy will definitely be licking that ass for hours someday - my baby will love it ;) I’m a god also it is officially no longer NNN [no nut November]. You have to take a picture of your balls before you nut though - because a full month of not doing so has to have made them huge.”

j. On December 15, 2018, **MOSQUEDA** sent Minor #1 an image of a boy who appeared to be 14 or 15 years old. **MOSQUEDA** described the boy as his “sexy friend from zacatecas” who sends him videos. **MOSQUEDA** then sent Minor #1 what appeared to be a self-produced video of that boy masturbating his exposed and erect penis to the point of ejaculation.

k. On December 19, 2018, Minor #1 asked **MOSQUEDA** to take him to the ATM to get \$20. **MOSQUEDA** said he would the next day. The next day, Minor #1 sent **MOSQUEDA** a bathroom selfie and wrote “Thoughts.” **MOSQUEDA** responded: “Let daddy fuck you hard ;)”

²In a conversation on November 11, 2018, **MOSQUEDA** represented, “I cum a lot when I cum. Like people have nicknamed me the fountain.”

l. On December 21, 2018, Minor #1 messaged **MOSQUEDA** that he had engaged in sexual activity with another individual. **MOSQUEDA** responded: “daddy wants to do that too ;)” “daddy wants to get those sloppy seconds jaja” “when can daddy fuck you?” “or at least rim you? ;)”

m. On December 23, 2018, **MOSQUEDA** and Minor #1 discussed a “spell” that would help Minor #1 attract more guys.³ **MOSQUEDA** told Minor #1 he would create a spell that would require “a piece of you... I need your cum.” **MOSQUEDA** offered to “rim” him. Minor #1 said he preferred to be “fucked.” **MOSQUEDA** asked, “you’re fine if I cum in you? I’ll have a bowl beside you on the bed or whatever so you can catch it.” The two discussed meeting at **MOSQUEDA**’s residence.

Interactions with Minor #3

14. I reviewed other Facebook Messenger conversations between **MOSQUEDA** and other apparent juveniles.

15. On April 9 through April 11, 2018, **MOSQUEDA** exchanged messages with Minor #3. Minor #3 was born in November 2002. He was 15 years old in April

³ According to his Linked-In profile, **MOSQUEDA** also works at Eye of Horus Methaphysical, a store devoted to “Earth-Based Spirituality.” According to information on the store’s website, **MOSQUEDA** is a “practicing Druid and Santa Muerto.” He led a class at the store entitled “Introduction to Santa Muerte” which also involved creating a “prayer candle with herbs and oils corresponding to Santisma Muerte.”

2018. He is a student at a high school in Champlin, Minnesota. Initially, **MOSQUEDA** urged Minor #3 to “go to the secret conversation” on Facebook Messenger. That feature purports to encrypt conversations. Minor #3 asked **MOSQUEDA** for help getting his cell phone fixed and offered to pay him money. **MOSQUEDA** fixed the phone with the condition that Minor #3 pay him by “hook[ing] up” that Saturday. **MOSQUEDA** told Minor #3, “I’m determined to try and makinyou feel good” “I want to rim you, if you’ll let me.”

Interactions with Minor #4

16. On July 6, 2017, **MOSQUEDA** exchanged messages with Minor #4. Minor #4 was born in February 2000. He was 17 years old in July 2017. The two discussed older, adult males, and **MOSQUEDA** explained that he was not “super attracted to older guys.” Instead, he admitted he was “quite into younger dudes lol.” After this, **MOSQUEDA** and Minor #4 discussed the size of Minor #4’s penis. Minor #4 sent images 1902464456679328.jpg and 1902464540012653.jpg to **MOSQUEDA**. The images were close-up photos of an exposed penis next to a can of Squirt brand soda. After receiving the images, **MOSQUEDA** commented, “Hot damn your gf [girlfriend] is a lucky person.”

Characteristics Of Persons Who Are Attracted To Children And Who Collect Child Pornography

17. Based on the contents of **MOSQUEDA**'s Facebook account, it appears that he is sexually attracted to teenage boys and that he collects and distributes child pornography. I know from my training and experience that in the current technological age, it is easy for child pornography collectors to grow and maintain their collections. Although illegal, collectors can easily find child pornography on the internet at sites specifically devoted to the topic. There are also on-line chat rooms and forums specifically dedicated to discussing child abuse and child exploitation. It is common for participants in those chat rooms and forums to trade child pornography with each other.

18. Child pornographers and persons with a sexual attraction to children typically maintain and possess their collections on multiple electronic devices, including computers, cellular telephones, and removable storage devices. Removable storage devices can be quite small and include SD cards, micro SD cards, and thumb drives. Such devices are easily portable, and I and my law enforcement colleagues have experience in several instances of individuals keeping child pornography on portable storage devices on their person or in their car(s). In many instances, individuals who collect child pornography will amass a collection in more than one type of the aforementioned media. These collections are often maintained for several

years and are kept close by, to enable the individual to view the collection, which is valued highly. It is something akin to a baseball card collection.

19. Some individuals worry about law enforcement and engage in a practice known as “downloading and deleting.” Because child pornography is so easy to access and fast to download, individuals who worry about law enforcement detection simply delete the child pornography files after viewing them. Nonetheless, computer forensic examiners can recover deleted images and files from devices months, and even years after the files were deleted.

Surveillance

20. On February 13, 19, and 27, as well as on March 6, 2019, I conducted surveillance at the Portland Avenue residence and confirmed that **MOSQUEDA** lives there. On each of those dates, I saw the Kia car registered to **MOSQUEDA** parked in the alley parking space adjacent to the residence. On March 15, 2019, I saw the name **MOSQUEDA** and XXXXXXX⁴ and #1 hand written on a piece of tape under the mail slot inside the front porch.

⁴I am not divulging the proper name here to protect the identity of **MOSQUEDA**'s roommate.

Conclusions

21. Based on the information set forth above, there is probable cause to believe that on or about July 6, 2017, **MOSQUEDA** knowingly received child pornography over the Internet, in violation of 18 U.S.C. § 2252.

22. Based on the information set forth above, there is probable cause to believe that on or about the following dates: April 11-12, 2018 (Minor #3), December 19, 2018 (Minor #1), December 21, 2018 (Minor #1), and December 23, 2018 (Minor #1), **MOSQUEDA** used the Internet and attempted to use the Internet to knowingly persuade and entice two separate minors to engage in illegal sexual activity, in violation of 18 U.S.C. § 2242 (b).

23. Based on the information set forth above, there is probable cause to believe that on or about November 10, 2018, **MOSQUEDA** used a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that such visual depiction would be transmitted to him over the Internet.

24. Based on the information set forth above, there is probable cause to believe that on or about November 10, 2018, **MOSQUEDA** knowingly transferred obscene matter to Minor #1, whom **MOSQUEDA** knew had not attained the age of 16 years.

25. Based on the information set forth above, there is probable cause to believe that on or about December 15, 2018, **MOSQUEDA** knowingly distributed child pornography over the Internet, in violation of 18 U.S.C. § 2252.

26. Based on the information set forth above, there is probable cause to believe that evidence of the criminal offenses described herein, namely the violations identified in paragraph 3(i), is located at the **TARGET LOCATIONS**, more fully described in Attachment A, which is incorporated herein by reference.

27. I therefore respectfully request that a Search Warrant be issued authorizing the search of the **TARGET LOCATIONS** described in Attachment A, and the search and seizure of the items listed in Attachment B, which is incorporated herein by reference. The search of the **TARGET LOCATIONS** will be conducted pursuant to the Computer Addendum attached hereto.

28. I am asking the Court to issue a “no knock” Search Warrant. I know from reading **MOSQUEDA**’s Facebook posts that he has a strong antipathy toward law enforcement officers, as well as the Government in general. In Facebook posts he has repeatedly indicated that he hates all police. He has posted, “all pigs must die,” “fuck the pigs, barbeque them all,” “all cops are bastards and swine, time to start up the barbeque for all the pigs should be culled.” I also know from his Facebook posts that **MOSQUEDA** frequents gun ranges to practice shooting. He told Minor #1 in a

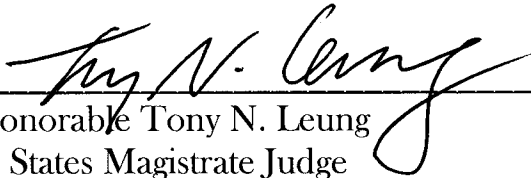
November 25, 2018, conversation, "I know how to shoot a gun and baby I dont fucking miss." I have also seen a picture of **MOSQUEDA** holding an AR-15 type gun. **MOSQUEDA** also indicated in a Facebook conversation that he carries a "boot knife" for self-protection. Consequently, for officer safety, as well as the safety of **MOSQUEDA**'s roommate, I ask that the Court issue a "no knock" Search Warrant.

Further your affiant sayeth not.



Rachel J Nelson, Special Agent
Minnesota Bureau of Criminal Apprehension

Sworn and subscribed before
me this 25 day of March, 2019.



The Honorable Tony N. Leung
United States Magistrate Judge