

Approved:



Marcia S. Cohen
Assistant United States Attorney

COPY

Before: THE HONORABLE JUDITH C. MCCARTHY
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA : 19 mag 11356
: COMPLAINT
:
: Violations of 18 U.S.C.
-v- : §§ 2252A(a) (1),
: (a) (2) (B), and (b) (1)
PATRICK EDWIN GORYCHKA, :
: COUNTY OF OFFENSE:
Defendant. : Orange
:
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-

SOUTHERN DISTRICT OF NEW YORK, ss.:

PAO MEI FISHER, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE

(Receipt and Distribution of Child Pornography)

1. On or about November 2, 2019, in the Southern District of New York and elsewhere, PATRICK EDWIN GORYCHKA, the defendant, knowingly received and distributed material containing child pornography that had been mailed, and using means and facilities of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, GORYCHKA, while in Orange County, New York, distributed links to Mega cloud accounts containing child pornography.

(Title 18, United States Code, Sections 2252A(a) (2) (B)
and (b) (1).)

The bases for my knowledge and for the foregoing charges are as follows:

1. I have been a Special Agent with the FBI since January 2017. I have participated in numerous investigations involving the sexual exploitation of children, in violation of Title 18, United States Code, Sections 2252A and 2422(b), among other offenses. I have gained expertise in the conduct of such investigations through, among other things, training in seminars, classes, and everyday work related to conducting these types of investigations.

2. I have been personally involved in the investigation of this matter, and I am familiar with the information contained in this Complaint based on my own personal participation in the investigation, my review of documents, conversations I have had with other law enforcement officers about this matter, my training and experience, and numerous discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Because this Complaint is being submitted for the limited purpose of establishing probable cause to arrest the defendant, I have not included the details of every aspect of the investigation. Where actions, conversations, and statements of others are related herein, they are related in substance and in part, except where otherwise indicated.

Definitions

3. The following terms have the indicated meaning in this Complaint:

a. The terms "minor," "sexually explicit conduct," and "visual depiction," as used herein, are defined as set forth in Title 18, United States Code, Section 2256.

b. The term "child pornography," as used herein, is a visual depiction of a minor involved in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(8).

c. "Computer" means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device. See 18 U.S.C. § 1030(e)(1).

Technical Background

4. Based on my training, experience, and information related to me by other law enforcement agents, I know the following:

a. An Internet Protocol ("IP") address is a unique numeric address used to identify a particular computer connected to the Internet. An IP address looks like a series of numbers separated by periods. Every computer connected to the Internet must be assigned an IP address so that communications from or directed to that computer are routed properly.

b. The Internet is a global network of computers and other devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when devices communicating with each other are in the same state.

c. Kik is a mobile application that permits users to send messages and content to one another. Kik also permits users to join chat rooms that permit communication with multiple Kik-users at the same time.

The Investigation

5. In October 2019, the FBI received information from an FBI Online Undercover Employee ("UC-1") concerning UC-1's communications with an individual using the Kik user name "epg84" ("User-1") in a Kik chat room known to be frequented by individuals with a sexual interest in children. Based on my conversations with UC-1 and my review of the communications between UC-1 and User-1, I am aware that the chats between UC-1 and User-1 reveal the following:

a. UC-1 identified himself as a 48-year-old uncle who goes by the name "Bass" who had engaged in sex acts with his niece. User-1, who identified himself as "Eric G.," discussed User-1's sexual interest in children. User-1 stated that he was 28 years old, from New York, and asked UC-1 for photos of UC-1's niece. UC-1 told User-1 that UC-1 was into "real-life trades and meet ups." User-1 stated that he liked couples and teens and that the youngest teen he had been with was 15. User-1 stated that "it's hard to find young tho."

b. UC-1 told User-1 that UC-1 had met a "pedo mom" ("UC-2") in New York. User-1 stated that he wished he could meet people "around here" and that "that would be hot." UC-1 told User-

1 that "she keeps kids of illegals while they work for a couple weeks" and "makes some \$ on the side." User-1 stated, "Omg that's hot." User-1 asked UC-1 to connect him to UC-2 and UC-1 agreed.

c. UC-1 told User-1 that UC-2 was expensive and that it was about \$500. UC-1 asked User-1 for a number to pass on to UC-2 and User-1 provided the number "845-622-0869" ("Phone-1").

d. UC-1 told User-1 that UC-2 would want to see a photo of User-1 and User-1 provided UC-1 with a photo ("Photo-1").

e. Thereafter, UC-1 added UC-2 to UC-1's Kik chat with User-1.

6. I have reviewed Photo-1. Photo-1 depicts part of the face and shoulders of a male who appears to be wearing a white t-shirt and black-rimmed glasses. The photo captures only one side of the male's face and one side of his neck and shoulders. The other side of the face, neck and shoulders appears to be located outside the frame of the photo.

7. UC-1 added me, posing as UC-2, to the Kik chat with User-1. Once UC-1 added me to the chat, User-1 advised, "I do IT, working with computers" and said that "it pays well lol." During my communications with User-1, I used the name "Jane."

8. From in or about October 31, 2019 through in or about November 16, 2019, posing as UC-2, I engaged in further communications with User-1 via Kik messages, text messages to and from Phone-1, and phone calls to and from Phone-1.

9. On October 31, 2019, in a Kik chat, User-1 said, "Bass said that you do alot of babysitting" and "He didn't go into alot of detail but I am interested in a similar setup." I asked, "Wht u into?" User-1 responded, "Younger, incest, knotting... etc." I asked, "U ever play or just fantasy???" User-1 responded, "The youngest I have been with is 15... and can't seem to find any local girls into knotting." I responded, "Mmm lil old, wht age u prefer?" User-1 responded, "preteens." I said, "Mm cool... Wht u like to do wit dem?" User-1 replied, "I wnt to do everything." User-1 said, "I heard that you could potentially facilitate certain things." I responded, "Mmm well depends on who it's for, what they would like and what they can offer." User-1 said, "Well I don't want to talk a lot... but the same as bass." User-1 added, "I have money."

10. On November 1, 2019, in a Kik chat, I asked, "Aight, what u have in mind?" User-1 responded, "I just want to have a good time" and asked, "You're in NYC?" I answered, "Right outside." User-1 said that he was "About 90 min north in the Hudson Valley." I asked him, "Wht u lik 2 do?" User-1 responded, "I like fourplay, giving and receiving oral and obviously sex lol." User-1 added, "I have always had a fantasy of being with a younger girl." I asked, "How yung?" User-1 responded, "I'm not sure lol the younger the better I guess." Later in this chat, User-1 asked if I had "pics of any of the girls you nanny for?" I responded, "Yes, but I don't share them on here" and added, "I don't get on here a lot I usually text instead." User-1 said, "texting works for me" and I provided a number for User-1 to use to text me.

11. On or about November 1, 2019, I asked User-1 by text, "so wht u Like to get off to." User-1 responded "Incest, yng, knotting." I asked if he had "pics or vides?" Thereafter, User-1 sent a photo of an erect penis and two photos of individuals engaging in sexual activity. I asked User-1 what ages he enjoyed watching. He replied, "9-15." I requested a photo of User-1 and User-1 sent me Photo-1. During my communications with User-1, I told User-1 that I was a full-time nanny.

12. On Saturday, November 2, 2019, at approximately 12:59 p.m., User-1 sent me a photo of an erect penis via Kik. In the background of the photo, a military uniform hanging on a hanger is visible. Based on my experience and training, I recognize the uniform as a United States Army uniform. At approximately 2:48 p.m., I responded on Kik, "Must be watching something good." At approximately 3:09 p.m. on November 2, 2019, via Kik, User-1 said, "I was watching some of these" and included a link ("Link-1") beginning with "https://mega.nz/." Thereafter, User-1 sent additional photos of an erect penis. I told him, "Your dick may be too big for my Lizzie." User-1 responded, "That's what lube is for." User-1 said, "We definitely need to figure out a time to get together and watch some vids." At approximately 4:39 p.m., User-1 transmitted, again via Kik, another link ("Link-2") beginning with "https://mega.nz." After sending the second link, User-1 asked if I had any links or videos.

13. That same day, in a text message at approximately 3:14 p.m., i.e., approximately five minutes after User-1 transmitted Link-1 to me, User-1 said that he had just finished cleaning his car and texted a photo of a car ("Car-Photo"). User-1 said that the car was an Audi. At approximately 3:30 p.m., User-1 asked if UC-2 wanted to "grab coffee." I asked where and User-1 said they

could "figure something out." I said, "Hmmm gotta make sure I don't have to watch a lil tonight then I'll know, u free all night?" Later in this communication, User-1 said he lived outside of Newburgh in a "nice condo with a pool and tennis courts." At approximately 4:05 p.m, I texted User-1 that "those were sweet links u sent earlier, really enjoyed them, u have any favs??" User-1 responded, "There was a really hot mother daughter one" and instructed UC-2 to go to a particular folder, which User-1 identified with two smirking emojis, and further described the folder as "the big folder" and said "it's the first one."

14. On November 3, 2019, via Kik, User-1 said, "I want to see you with a lil." I asked, "Mmm when." User-1 said, "Hopefully soon!" User-1 asked, "When is usually a good time or you?" I responded, "For what??" User-1 said, "Idk you tell me" and added, "I'm down for whatever."

15. On November 7, 2019, via Kik chat, User-1 said, "I still want to see your smooth kitty" and added, "I mean if you don't want to send a lil pic." Based on my communications with User-1, I believe that when User-1 referred to "your smooth kitty," he was referring to an unshaven genital area and when he referred to a "lil pic," he was referring to a picture of a child's genital area.

16. On November 7, 2019, in a text message, User-1 said that he "sent another pic lol" and that "I would love to see your smooth kitty." I asked, "Mine or lil??" User-1 responded, "Both lol." I said, "U silly, aight well u know I'm more into littles right?? I lik seeing dicks in lils." User-1 responded, "I know lol but still" and included an emoji indicating shrugged shoulders and hands up. I said "Just want to be up front with you" and "But still cool to meet up if u want."

17. I have reviewed the two links, Link-1 and Link-2, that User-1 transmitted to me on November 2, 2019. I recognize these links as links to Mega, a New Zealand-based cloud storage platform that permits users to store and share ESI, including images and videos. With respect to Mega, a user can send a link to a Mega cloud account to another person. Once the link to the Mega cloud account is transmitted, the person who clicks on the link to the cloud account can access, view, and download the files contained in that Mega cloud account. Link-1 is a link to a Mega cloud account. When the link is accessed, a folder appears and states that the folder contains 10.57 GB. Underneath the numbers "10.57 GB," there are options to "OPEN IN BROWSER" or "OPEN IN MEGA APP." When "OPEN IN MEGA APP" is accessed, three folders appear. The

first folder is titled, "dl" and indicates that there are 114 files in the folder. The second folder is titled "g" and indicates that there are 469 files in the folder. The third folder is labeled with two smirking emojis and indicates that there is "1 folder 95 files." When the third folder is accessed, a folder titled "Big" appears and indicates that the folder contains three files. Link-2 is also a link to a Mega cloud account. When Link-2 is accessed, a folder appears and indicates that the folder contains "1.54 GB." Underneath "1.54 GB," there are options to "OPEN IN BROWSER" or "OPEN IN MEGA APP." When "OPEN IN MEGA APP" is accessed, a series of thumbnails appear, each of which is a video file that can be played.

18. Based on my review of the material contained within Link-1 and Link-2, I am aware that Link-1 and Link-2 contain hundreds of files containing videos and images depicting what appear to be prepubescent children engaging in sexual activity with other children and with adults. Some of these files are described as follows:

a. The file with the name "5f50cda7-5637-...e1019ad4f2.mp4" is a 5.2 MB video approximately 2 minutes in duration, located in the "dl" folder. In this video, a prepubescent female with a blue shirt on and no pants, is lying on her back on what appears to be a bed with her legs in the air, knees by her head, exposing her vagina. The female inserts her fingers into her vagina then into her mouth and back into her vagina. This activity is followed by an adult male inserting his fingers into the female's vagina. Thereafter, the male inserts his penis into the female's vagina.

b. The file with the name "'0c1c7a21-8105-...a11d39d8026.jpg" is an image, located in the "g" file of Link-1. This file depicts a prepubescent female with a white bow in her hair, with her eyes and mouth opened and a partial thumb-up with a male penis partially inserted into her mouth. A male's left arm and leg are also visible.

c. The file with the name "0faaa28c-f470-...50133ac8c9.mp4" is a 2.3 MB video, approximately 45 seconds in duration, located in the "g" file of Link-1. This video depicts two naked prepubescent females. One of the females is lying on a bed on her back with her legs spread open while the other female licks her vagina. An adult arm with a silver watch is visible and appears to be pulling back the hair of the female who is licking the other female's vagina.

d. The file with the name "2019-05-27 21.58.37.mp4" is a 4.6 MB video of approximately 45 seconds in duration located in the "double emoji" file in Link-1. The video depicts a naked, prepubescent female laying on her back on what appears to be a bed or couch with an adult male's middle torso and penis. The adult male's penis is inserted into the female's vagina. The male's torso has two moles on the right side of the abdomen and hip.

e. The file with the name "0a254a70-0947...0b33678b1.mp4" is an 8.5 MB video of approximately 1 minute and 31 seconds in duration and is located in a file in Link-2. This video depicts multiple prepubescent naked females. A prepubescent female is shown having an adult male's penis eject cum onto the girl's face. A second prepubescent female is shown on her knees, performing oral sex on an adult male, followed by the male's penis ejecting cum onto the girl's face. A third prepubescent female is shown with an adult male's penis ejecting cum onto the girl's face. A fourth prepubescent female is shown lying on her back on a bed, holding an adult male's penis in her hand. The adult male's penis then ejects cum onto the female's face while she holds the penis in her hands. A fifth prepubescent female is shown holding a male's penis followed by the penis ejecting cum onto the female's face.

f. The file with the name "2019-05-27 21.58.37.mp4" is a video of approximately 33 minutes and 37 seconds in duration and is located in the folder on Link-1 labeled with two smirking emojis. The video depicts an adult naked female and a naked prepubescent female engaging in oral sex and inserting various objects into each other's vagina. Based on my review of this file and its location, I believe that, when User-1 referred to "a really hot mother daughter one" and instructed me to go to the folder with the two smirking emojis, "the big folder and it's the first one," he was referring to this file which is contained in a folder marked "Big."

19. I have reviewed records from Text Now relating to Phone-1. These records indicate that the subscriber of Phone-1 is "Eric G." with an email of sexy_soldier84@yahoo.com. Records from Text Now reveal that there were several IP Addresses from which Phone-1 was accessed. These IP Addresses include 69.206.109.61 ("IP-1") and 4.30.218.78 ("IP-2"). The Text Now records reveal that Phone-1 was accessed on November 2, 2019 from IP-1 repeatedly from approximately 12:58 p.m. to 2:04 p.m. and then again from 3:17 p.m. to 7:47 p.m.

20. I have reviewed records obtained from Charter Communications, which reveal that the subscriber of IP-1 has an address in Orange County ("Premises-1").

21. As discussed above, on November 2, 2019 at approximately 3:14 p.m., approximately five minutes after User-1 transmitted Link-1, User-1 told me that he had just finished cleaning his car and transmitted the Car-Photo to me. I have reviewed photos of the residential complex of which Premises-1 is part. The buildings in the complex are surrounded by various parking lots with black pavement and yellow lines. Based on the buildings visible in the background of the Car-Photo and the appearance of the parking lot that is visible in the Car-Photo, I believe that the car in the Car-Photo is parked in a parking lot within the residential complex of Premises-1.

22. In connection with this investigation, I reviewed the results of open source database searches that reveal that IP-2 is assigned to the Internet Service Provider, West Point New York Level 3 Communications.

23. In connection with this investigation, I have also reviewed a photo of four males obtained via open source database searches ("Photo-2"). One of the males in Photo-2 is wearing a US Army military uniform with a nametag on his right breast that reads "GORYCHKA" and a patch that, based on my training and experience, I recognize as a West Point United States Military Academy patch. The male in Photo-2 with the GORYCHKA nametag appears to be wearing the same glasses as the individual in Photo-1 and appears to have the same haircut and hair color as the individual in Photo-1. In addition, in Photo-1, the individual's left detached earlobe is visible and the shape and size of the earlobe appears to match the left earlobe of the male in Photo-2 with the GORYCHKA nametag.

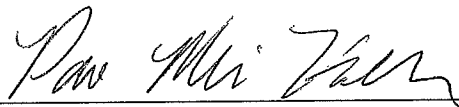
24. Based on my conversations with an agent in the Criminal Investigation Division at West Point ("Agent-1"), I understand that the individual in Photo-2 with the GORYCHKA nametag is PATRICK EDWIN GORYCHKA, the defendant, a Staff Sergeant with the United States Army who is assigned to West Point United States Military Academy. According to Agent-1, GORYCHKA's home of record is Premises-1. In addition, according to Agent-1, GORYCHKA has a vehicle registered with West Point that is a grey 2007 Audi A4.

25. Based on my review of open source database searches, I am aware that the residential complex, of which Premises-1 is part, has a pool and tennis courts. As discussed above, User-1 told me that he lived in a "nice condo with a pool and tennis courts."

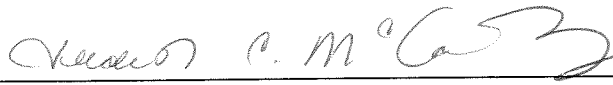
26. On or about December 2, 2019, Magistrate Judge Paul Davison authorized a search warrant for Premises-1. This search warrant authorized the search and seizure of, among other things, any computer or other internet-capable device or computer storage media found at the Premises-1.

27. This morning, other FBI agents and I executed the search warrant for Premises-1. Based on my conversations with agents who conducted an interview of GORYCHKA, I understand that GORYCHKA admitted that he had communicated with someone named Jane concerning the possibility of meeting her and that he didn't end up meeting her because he got cold feet. GORYCHKA also admitted that he had sent Jane megalinks containing child pornography. He also admitted that he had used the Kik user name "epg84" to communicate with Jane.

WHEREFORE, the deponent respectfully requests that PATRICK EDWIN GORYCHKA, the defendant, be arrested and imprisoned or bailed, as the case may be.


PAO MEI FISHER
Special Agent
Federal Bureau of Investigation

Sworn to before me this
4th day of December, 2019


THE HONORABLE JUDITH C. MCCARTHY
United States Magistrate Judge
Southern District of New York