

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

United States of America

v.

Gary Lee Hodges

Case No.

5:22-mj-00003

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 Dec. 13, 2021 - Jan. 13, 2022 in the county of Raleigh in the
Southern District of West Virginia, the defendant(s) violated:

Code Section

Offense Description

18 USC 2422(b)

Attempted Enticement of a Minor

This criminal complaint is based on these facts:

See attached affidavit.


☒ Continued on the attached sheet.

Signed and sworn to by telephonic means.

~~Sworn to before me and signed in my presence.~~Date: 01/14/2022City and state: Bluefield, West Virginia


 Complainant's signature
 FBI SA Jared Jankowski
 Printed name and title




 Omar J. Aboulhosn
 United States Magistrate Judge
 Printed name and title

AFFIDAVIT

I, Special Agent Jared Jankowski, being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent of the Federal Bureau of Investigation ("FBI") since September 2017, and I am currently assigned to the Charleston, West Virginia Resident Agency of the Pittsburgh Division. I completed Special Agent training at the FBI training center in Quantico, Virginia, in May 2018, which includes curriculum on conducting federal investigations. Upon graduation from the FBI academy, I was first assigned to Counterintelligence where I worked multiple cases involving economic espionage. Following Counterintelligence work I was assigned to be the task force coordinator for the West Virginia Human Trafficking and Child Exploitation Task Force where I specialize in violent crimes against children. Prior to joining the FBI, I was employed with the Defense Intelligence Agency ("DIA") as a Sergeant with the Police Department for three years. With the DIA I worked federal criminal investigations and was an operator on the Special Response Team where I assisted in protection details for government officials.

2. I make this affidavit in support of an application for a criminal complaint against GARY LEE HODGES, age 71, charging him

with a violation of 18 U.S.C. § 2422(b). That statute makes it illegal for any person, through use of a means or facility of interstate commerce, to attempt to persuade, induce, entice, or coerce a minor to engage in sexual activity for which any person can be charged with a criminal offense.

3. The information contained in this affidavit is based on an investigation conducted by a law enforcement employee acting in an undercover capacity and information I obtained from other law enforcement officers involved in this investigation.

4. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have attempted to summarize the most relevant facts that establish the requisite probable cause. Therefore, I have not included each and every fact of this investigation. Additionally, where conversations or statements are related herein, they are set forth in substance and in pertinent part.

PROBABLE CAUSE

5. On or about December 13, 2021, a law enforcement officer was acting in an undercover capacity ("UCO"). In that role, the UCO had created a profile on the website "FetLife." The UCO was portraying a mother of two girls, ages 11 and 13, living in the Beckley, Raleigh County, West Virginia area. The UCO was contacted

by a user on FetLife who was later identified as GARY LEE HODGES, age 71, of Bigfork, Montana.

6. In HODGES' initial message to the UCO on FetLife he asked if she was looking for a "man to head her family." The UCO said that she would be interested in that, and later asked what family dynamic he was looking for. She noted that her "cubs" like to play. HODGES responded that he liked "family sexual relations." He then provided her a phone number and a Kik user name for them to continue the conversation on another platform.

7. On December 21, 2021, the UCO contacted HODGES via text message at the number that he had provided. HODGES asked how old the UCO's daughters were and if they were "consenting." The UCO told HODGES that they were 11 and 13 years old and that they would consent. HODGES and the UCO discussed HODGES possibly coming to set up a family with the UCO and her daughters, with him being the head of household. HODGES sent the UCO a number of pictures of himself to show the two girls.

8. On December 22, 2021, HODGES asked if the UCO had been able to discuss him with the girls. The UCO said that she had and that they were excited at the idea of having a daddy again. The UCO stated that the girls had questions about what kind of "play" HODGES was interested in. HODGES explained that he was "dominant" and a "sensualist." He told the UCO that he had certain protocols

and rules to be followed. He stated that the "protocols," which would apply to both the UCO and the daughters, would involve them removing all their clothing when they entered the house, folding the clothing neatly, and kneeling. They would then ring a bell and he would bring them the clothing he wanted them to wear at home. He further stated that he was looking forward to being a father again "along with the sex with all three" of them.

9. HODGES then described his sexual interests, including oral sex and vaginal intercourse, and indicated that these interests were for the girls as well as the UCO. HODGES stated that the UCO and the two girls would take rotating turns sleeping in his bed each night. He asked the UCO what types of sex the two girls enjoyed. When he learned that the 11 year old was a virgin, he stated that they could "make the younger first experience a shared family moment." He later asked when the older daughter was "first penetrated," and when he was told that she was 11 when that happened, he stated, "So the younger should be able to take cock now." He also told the UCO that he would "usually want to play with both [girls] together with you watching and or participating."

10. HODGES told the UCO that he wanted to send the girls Christmas gifts and said that he could send them to an Amazon locker. Specifically, he stated he wanted to "get you ladies some camisoles and pretty panties" and asked for their sizes. On

December 25, 2021, HODGES again brought up the camisoles and panties, saying, "I want you all to feel pretty and sexy." After he was told each of their sizes and favorite colors, he said that he would have the gifts delivered to an Amazon locker at the AAA in Beckley, Raleigh County, West Virginia. He indicated that they would arrive by December 30, 2021. On January 2, 2021, the UCO picked up these items, which had been delivered to the Amazon locker at the AAA in Beckley. The items received included numerous pairs of lace panties and silky camisoles for the UCO and both girls.

11. Also on December 25, 2021, HODGES asked if the UCO had talked more with the girls about him and whether they had any questions. In answer to their previous question about what "sex things" he liked, he stated, "Them together you watching or playing to. 69, vaginally in many positions, very oral."

12. On December 27, 2021, HODGES asked if he could start communicating with the girls directly. The UCO and HODGES also had further discussions about how she preferred women sexually, and he indicated that he was fine with her not engaging in one-on-one sexual activity with him, but he did want to her to engage in oral sex with him and the two girls. He further stated that remain committed to providing financial support and being the head of the family even if the UCO was not sexually involved with him.

13. By this point HODGES became more detailed in his sexual interests in the girls. He told the UCO that the older girl "will soon get some kind of sex with me daily." He also told the UCO that he was planning for "the first time I enter [the 11 year old] I would like you naked and her lying against you between your legs."

14. On December 28, 2021, HODGES began communicating directly with the purported 13-year-old girl via email. He initiated contact by introducing himself as a man who was going to come live with them and be a "permanent grandfather of sorts." He said he wanted to get to know her better and was happy to talk about anything she wanted and answer any questions she might have. Thereafter HODGES emailed directly with the 13 year old almost daily, and on December 30, 2021, he told her that he hoped she liked her present, referring to the lingerie he had sent. When she later thanked him for the gift, he responded, "I would like if you did not wear a bra with it so I can enjoy seeing your figure."

15. HODGES told the 13-year-old girl numerous things he wanted to do for her and her younger sister, such as let them ride on his boat, travel to Montana, visit a zoo, and arrange for the girls to ride on an elephant. With regard to the elephant ride, he found a place in Florida that had elephants available to ride and sent the website information to the UCO. HODGES also told her that

he wanted to make their next birthdays very special. He specifically told her he could get her a special princess costume for her birthday and that she could wear it to dance for him. He also told her that he wanted to begin homeschooling both girls; he apologized that they would not get to see their boyfriends (if they had any) or their friends once the homeschooling began, but he told her that they would have him to teach them and "do fun things together."

16. HODGES continued to discuss his plans for him to form a family with the UCO and her daughters. He sent the UCO enrollment forms to register the girls for homeschooling in Montana and began to research buying a house for them in Beckley. He stated that "this is way more than the intimate fun we will have, it is about being a real family." Shortly thereafter, with regard to the intimate fun, he stated that he could not wait to be "inside" the 11-year-old girl.

17. On December 30, 2021, HODGES told the UCO that he had started "testosterone augmentation therapy in order to keep up with you all." On January 6, 2022, he told the UCO that he had his appointment that day to have "testosterone pellets" inserted, stating, "You can be assured I am committed!!"

18. HODGES continued to talk with the UCO about the UCO talking to the girls and preparing them for a sexual relationship

with him. The UCO indicated that she was talking to them and answering their questions, as well as talking to the younger daughter about her virginity.

19. In January 2022, HODGES continued to discuss sexual activities with the girls. He specifically stated that he really wanted to "be inside" the girls while the UCO watched. He also asked about how often the older daughter would want to have sex with him. He also asked if the younger daughter liked performing oral sex and if she would swallow.

20. On January 3, 2022, HODGES created an account for the UCO with Walmart so that he could help her out with the expense of groceries. He supplied her with the account login information and set her store to the Walmart in Beckley.

21. On January 5, 2022, HODGES began discussing specific plans to travel to West Virginia to meet the UCO and her daughters. He stated that he was traveling to Florida on January 7, 2022, but could fly from there to West Virginia. He suggested coming to West Virginia on January 14, 2022. He asked the UCO, "When you do bring me home how soon do you want to watch [the 13-year-old girl] get fucked?" He planned to stay for several days, suggesting that the first two nights he would sleep in the same bed as each girl, and then on the third night he would have sex with the 13-year-old. He stated that he also wanted to have sex with the younger girl soon,

and suggested he could do so the night after he had sex with the older sister.

22. HODGES ordered the girls additional gifts on January 6, 2022, using the same Amazon Locker location in Beckley. The gifts consisted of a stuffed elephant for the younger girl and a set of bracelets for the older girl. The UCO picked up those gifts at the Amazon Locker. The gifts included notes for each girl from "Papaw."

23. On January 7, 2022, HODGES booked a flight to Charleston, West Virginia for January 14, 2022. He indicated the flight was scheduled to arrive at 11:36 a.m. He also reserved a room at the County Inn & Suites in Beckley for January 14-17.

24. On January 9, 2022, HODGES told the UCO that he had booked a trip for the four of them to travel to Washington, DC, by train to visit the zoo and museums. He said the trip would be March 23-27, 2022. He also stated he had reserved an apartment in DC. He emailed the UCO copies of the DC booking information, which indicated the apartment would cost approximately \$580.

25. Also on January 9, 2022, HODGES emailed the UCO an email confirmation of both his hotel reservation in Beckley and his Delta flight into Charleston, West Virginia, for January 14, 2022.

26. On January 10, 2022, HODGES arranged for a phone call between himself, the UCO, and her two daughters. The call lasted approximately 30 minutes, primarily consisting of only the UCO and

HODGES talking to each other. During the call, HODGES did briefly speak to the two girls (voiced by two additional undercover officers). He told the girls about how he had scheduled the trip to DC to take them to the zoo.

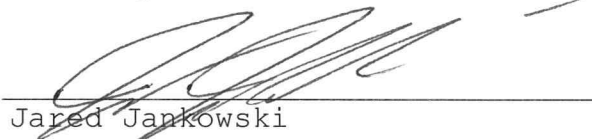
27. Using information gathered during the course of the investigation, law enforcement was able to identify the defendant as GARY LEE HODGES of Bigfork, Montana. A driver's license photograph of HODGES was consistent with HODGES' profile photos on FetLife and pictures he had sent of himself to the UCO during their conversations. Law enforcement also obtained subscriber information for the two Gmail addresses that HODGES had used to communicate with the UCO. One was in the name of Gary Hodges, and the other was in the name of Gary Sebastian.

CONCLUSION

28. Based upon the information provided above, your affiant alleges that there exists probable cause to believe that GARY LEE HODGES knowingly violated 18 U.S.C. § 2422(b), in that between on or about December 13, 2021 and January 13, 2022, he knowingly attempted to persuade, induce, and entice a person he believed to be a 13-year-old minor to engage in sexual activity for which any person can be charged with a criminal offense. Such criminal offenses include, but are not limited to, Third Degree Sexual Assault under West Virginia Code §61-8B-5 and a violation of 18


U.S.C. § 2423(b), which would be committed if HODGES traveled from Florida to West Virginia for the purpose of engaging in sexual activity with the minor. HODGES used a means and facility of interstate commerce to engage in this attempt to persuade, induce, and entice the minor in that he used the Internet and cellular networks. HODGES engaged in numerous substantial steps to corroborate his intent to persuade the minor to engage in sexual activity, including sending gifts of lingerie and bracelets, booking a trip for the girl and her family to DC, and purchasing a plane ticket to travel to West Virginia.

Further your Affiant sayeth naught.


Jared Jankowski
Special Agent
Federal Bureau of Investigation

Signed and sworn to by telephonic means this 14th day of January, 2022.




Omar J. Aboulhosen
United States Magistrate Judge