

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Eastern District of California



FILED

Apr 20, 2023

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

United States of America)

v.)

RODGER GITHENS)

Case No.

1:23-mj-00045-BAM

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 January 2023 - April 19, 2023 in the county of Sacramento in the Eastern District of California, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2252(a)(2)	Receipt & Distribution of Images of a Minor Engaged in Sexually Explicit Conduct using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce

This criminal complaint is based on these facts:

The attached affidavit of FBI Special Agent Adam Bruflat, incorporated here by reference.

Continued on the attached sheet.

Complainant's signature

Adam Bruflat - FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: April 20, 2023

Judge's signature

Honorable Barbara A. McAuliffe - United States Magistrate Judge

City and state: Fresno, California

Printed name and title

**AFFIDAVIT OF SPECIAL AGENT ADAM BRUFLAT
IN SUPPORT OF CRIMINAL COMPLAINT**

I, Adam Bruflat, being duly sworn, state:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since September 2021, and I am a “federal law enforcement officer” within the meaning of Federal Rules of Criminal Procedure 41(a)(2)(C). I received basic law enforcement instruction at the FBI Academy from approximately September 2021 through February 2022. During that time, I received training in a variety of investigative techniques and legal matters, including topics on Fourth Amendment Searches, the drafting of search warrant affidavits, and probable cause. I have been assigned to the FBI’s Violent Crimes Squad in Fresno, CA since March 2022. I have been employed by the FBI since June of 2017. After initially working as a member of the clerical support staff, I was promoted to Tactical Analyst. While employed as a Tactical Analyst and clerical support staff, I worked various cases and assignments including Iranian and Russian Counter-Intelligence matters, kidnapping, bank fraud, wire fraud, and drug trafficking.

2. Since 2021, I have been employed as a Special Agent for the FBI. Upon being hired as a Special Agent with the FBI, I attended the FBI Academy in Quantico, Virginia where I received extensive training on investigating various violations of federal law. Currently, I am assigned to the Sacramento Field Office, Fresno Resident Agency – Violent Crimes Squad, where I have worked a variety of cases, including child sexual exploitation, gang violence, narcotics investigations, burglary, kidnap for ransom, and unlawful flight to avoid prosecution cases. Additionally, I am assigned to assist the Fresno Internet Crimes Against Children and have worked a myriad of cases involving child sexual exploitation, child pornography, and online enticement. I possess a Bachelor of Science in Criminal Justice Institutional Theory from John Jay School of Criminal

Justice and a Master of Science in Global Affairs-Transnational Security from New York University.

3. The statements in this affidavit are based in part on information provided by other law enforcement agents, as well as my own investigation of this matter. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included every fact known to me concerning this investigation. I have set forth facts that I believe are necessary to establish probable cause to believe that Rodger **GITHENS** has violated 18 U.S.C. § 2252(a)(2) for receipt and distribution of images of a minor engaging in sexually explicit conduct.

STATUTORY AUTHORITY

4. 18 U.S.C. § 2252(a)(2) prohibits receipt and distribution of images of a minor engaging in sexually explicit conduct if the offense is committed using any means or facility of interstate or foreign commerce.

PROBABLE CAUSE

5. The FBI began investigating **GITHENS** for online enticement of a minor, and the attempt to commit this offense, because he demonstrated his desire and intent to travel to Fresno, California to engage in sexual activities with someone he believed to be a minor. **GITHENS** began engaging in online chats on the application Grindr with an FBI Online Undercover Employee (OCE) on March 25, 2023. The OCE created an undercover account on Grindr¹ with a profile for a 30-year-old white male, located near Fresno, California, who was a “taboo²-friendly” uncle. Additionally, the OCE placed “tags” on the account such as “dirty, discreet, curious, and parent”.

6. Within one hour the OCE was contacted by a profile on Grindr labeled “Tall laid back” (referenced below as TARGET GRINDR ACCOUNT or TGA). The

¹ Grindr is described online as a location-based social networking and online dating application targeted towards members of the gay, bisexual, transgender, and queer community.

² Taboo is considered to be sexual activity that is forbidden or not talked about publicly, such as incest, rape, or sex with a minor.

TGA had profile information such as: height 6’4”, weight 240lbs., ethnicity white, and an age of 44 years old. The TGA initiated messaging with the OCE by sending, “Hi how’s it going?”. It should be noted that Grindr notifies a user how another user found them on the application. The TGA identified the OCE Grindr account by searching for the tag “Parent”. Conversation between the OCE and target Grindr account continued with both discussing what they were into and looking for. The target Grindr account identified as a 45-year-old, white male, living in Sacramento, CA. Additionally, the subject identified himself as “Tod”, who loved “Taboo” and was “with a guy”. Shortly after contacting the OCE on Grindr, the TGA requested the OCE download the Session or Telegram³ messaging service as they are considered more secure.

Telegram Chats with User: wiy300

7. The OCE agreed to download Telegram, and the conversation soon continued via the Telegram application. The OCE created a Telegram account with the username “mikeyp559x” and the user from the TGA messaged the OCE via Telegram with username “wiy300” (Target Telegram Account or TTA). The OCE and user of the TTA (later confirmed to be **GITHENS**) continued messaging via Telegram. The OCE revealed to the user of the TTA that the OCE had a 7-year-old niece with whom he was sexually active. The TTA continued communication with the OCE on a reoccurring basis over the course of several days. Pertinent portions of those conversations are provided below:

8. Initial Telegram conversation: March 25, 2023:

	BEGINNING OF CONVERSATION
wiy300	Chat here not in a group
OCE-12020	Gotcha. Wasn't sure how to use haha
wiy300	Yeah lol

³ Telegram Messenger describes itself as a globally-accessible freemium, cross-platform, encrypted, cloud-based and centralized instant messaging service. The application also provides optional end-to-end encrypted chats, popularly known as secret chat, and video calling, Voice over Internet (VOIP), file sharing, and several other features.

wiy300	So you think about taboo every day too?
OCE-12020	Yea. Watch it a lot and a little experience. Wbu
wiy300	Me too
wiy300	How young you into?
OCE-12020	Young young. Wbu
wiy300	Babies
wiy300	;))
OCE-12020	Close to that. Not sure yet.
OCE-12020	U are?
wiy300	I'd like yo feed a baby
wiy300	Were you started young
OCE-12020	No I actually got into it myself honestly
OCE-12020	Wbu
wiy300	Nice
wiy300	I was sucking when I was 5
wiy300	Babysitter's husband
wiy300	How young have you had?
OCE-12020	6 yo. Wbu
wiy300	5
OCE-12020	Nice. About the same
wiy300	We made out, touched and he would jack me off

9. The above conversation continued and OCE explained to the TTA that he had a 7-year-old niece that he had been sexual with and occasionally babysat when her mom was working. The user of the TTA explained that he loved "little puffy pussy lips" and would "love to have a dad or uncle invite me". During the conversation, TTA explained that he was 45 years old and lived in Sacramento, California. The user of the TTA said he was married to a 35-year-old Mexican man who was his Spanish tutor when they met. The user of the TTA described his work as "consulting" and that he would explain more when he met OCE in person.

10. The Telegram conversation excerpted below occurred on March 25, 2023:

wiy300	We could video chat sometime to get comfortable
OCE-12020	Yeah not totally against that someday
OCE-12020	Eventually
OCE-12020	What would u be looking for exactly.
wiy300	You seem really cool
OCE-12020	You too man!

wiy300	Honestly I love chatting but would love to have a dad or uncle invite me
OCE-12020	Yea that's hot. And you aren't about fantasy?
wiy300	No I'm not about fantasy. lol
wiy300	I'm experienced
wiy300	But need it again
OCE-12020	Ok cool
OCE-12020	What would u want to do. Let's say if I invited u
wiy300	I'm so tired of those types
OCE-12020	Assuming you aren't a flake hahah
wiy300	Yes
OCE-12020	I like to hear details. Gets me hard af
wiy300	Would love to make out with you both
wiy300	Touch you both
wiy300	Eat her pussy
wiy300	Want to know the truth?
OCE-12020	Yea
wiy300	She'd be the first girl I've ever been with
wiy300	Of any age
OCE-12020	Really?
wiy300	Yeah lol
wiy300	Never ever made out with one
wiy300	I'm very masculine but was never with women
OCE-12020	I thought you said you liked puffy pussy lips haha
wiy300	I do
wiy300	I've only seen them
OCE-12020	Oh ok. Gotcha
wiy300	In vids
wiy300	Turn off I guess lol
OCE-12020	Well if we ever did meet up. I'm not into guys your age. Not sure if that's a deal breaker
OCE-12020	Just being honest
wiy300	Honestly I'm not assuming we'll ever meet.
wiy300	Guys always flake
wiy300	Always

11. The above conversation continued and TTA explained that he nearly had sexual contact with a one-year-old boy connected to his godfather. TTA met a man on Grindr and had agreed to meet him in Hawaii and have sexual contact together with his one-year-old godson. But due to Covid-19 travel restrictions, the trip never took place.

12. On March 26, 2023, Telegram messaging between the TTA and OCE resumed. The user of the TTA revealed additional information about his husband. The TTA user stated that his husband was into “young” (as young as 8 years-old) as well and had been with as young as 13 years-old. The TTA user reiterated that his husband was 35, Mexican, and they had been together for 13 years. The TTA user explained that he believed kids were “property,” and that it used to be what your kids could do for you. The TTA user explained that he was originally from the Midwest and had traveled to Mexico before. Additionally, the TTA user reiterated in the below conversation that he had past sexual contact with minors:

wiy300	You ever done light touching with any other kids?
OCE-12020	None except my niece. Not saying I wouldn't. But don't get much opportunity.
OCE-12020	Wbu
wiy300	With my husband's 11 yo nephew I did
OCE-12020	That's hot. Just light touching or what
wiy300	Yeah we would lay in bed watching tv and I'd play with his butt and crotch with my foot. We weren't alone long so I couldn't do much
wiy300	This was in Mexico
wiy300	So there's never much privacy
OCE-12020	Damn when was that
OCE-12020	Did he like it?
wiy300	Yeah he kept coming to lay with me so I assume he liked it A few weeks after, he was caught having his 5yo cousin give him a bj ;)
wiy300	I wanted to take at least some of the credit for that;)
OCE-12020	Awesome. Was it recent or been a while. Anything since then?
wiy300	7 years ago I think
OCE-12020	Oh ok. And he never said anything
wiy300	I've had teens since then though
OCE-12020	Oh yeah!? Hot af
wiy300	How old were they. Did you record?

13. Continued Telegram conversation on 26 March 2023:

wiy300	There's nothing like playing with young kids
OCE-12020	Agree man. So glad I found you on here. Someone like me. It's pretty cool.
OCE-12020	And rare
wiy300	I like you a lot
wiy300	You seem real and have a good vibe
wiy300	I appreciate your honesty too
OCE-12020	Same with you man. You have already gave me great tips and are non judgemental

wiy300	Yeah man I'll never judge you for what we like
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14. Continued Telegram conversation on 26 March 2023

wiy300	You spoil her with gifts I bet
OCE-12020	She likes dolls and stuffed animals
OCE-12020	And toy cars also haha
OCE-12020	And she absolutely loves chocolate bars lol
wiy300	Cute. Remind me her age
OCE-12020	She's 7
wiy300	Very nice age
OCE-12020	Yeah she's perfect

15. Later that same day, March 26, 2023, the TTA user described to the OCE how he wanted to feel her (OCE's 7 year-old niece) "getting wet" and instructed OCE that he should, "try to get her to orgasm. I know boys that young can. They moan and stuff. Shake etc. Dry cum". TTA continued to elaborate on the sexual nature of children:

wiy300	Yeah little kids are so sexual
wiy300	Society just tries to hide it
OCE-12020	I think she could probably take my cock. I've just been scared to
OCE-12020	Are you well hung?
wiy300	Yeah I'm sure. You need to before she can get pregnant
wiy300	I'm not. U?
OCE-12020	Yeah 100%
OCE-12020	Above average haha
wiy300	Nice how big?
OCE-12020	Just making sure you wouldn't kill her haha
OCE-12020	Little over 7
wiy300	Nah lol
wiy300	I'm only like 5.5
OCE-12020	Oh ok. Prolly be perfect then
wiy300	Small for a white guy
wiy300	But perfect for a kid yeah
wiy300	lol
OCE-12020	Seems like it was meant to be
wiy300	I really would love to meet her
OCE-12020	I mean I'm def warming up to it. I'd have to watch. You seem legit
OCE-12020	You sure you'd be down. It's not fantasy. I'm for real
wiy300	I'm not messing with you
wiy300	I'm real and don't want fantasy talk
wiy300	I'm bored with that

OCE-12020	Tell me how dirty you'd be and what you'd do
wiy300	I want to stick my tongue deep in her pussy
wiy300	Finger it
wiy300	Eat her ass too
wiy300	Make out with her
OCE-12020	She'd love that
wiy300	Have her suck me
wiy300	Which one?
OCE-12020	All of those
OCE-12020	Would you fuck her?
wiy300	I am so turned on by smooth puffy lips
wiy300	If you let me
OCE-12020	As long as you're careful and don't leave marks
OCE-12020	Are you clean?
wiy300	Yeah I am and on prep
OCE-12020	Awesome
OCE-12020	Have any recent tests?
OCE-12020	Just like to be safe man. She really is my pride and joy
wiy300	A month ago but I'd gladly get another first

16. On March 27, 2023, the TTA user messaged the OCE and explained that he had a friend over at his house and would be too busy to message. The TTA user then explained the background of his friend:

OCE-12020	Damn how old is your friend
wiy300	33 but looks younger
OCE-12020	He into young too?
wiy300	Definitely
OCE-12020	He just fantasize or have any experience
wiy300	He's done some light play with his 1 year old nephew
wiy300	Came on his back when he was changing him
OCE-12020	That sounds hot af. I haven't seen much before of the toddler age. But not against it
wiy300	I think they're sexy af tbh

17. The following day, March 28, 2023, the TTA user continued his Telegram message conversation with the OCE:

wiy300	Did I tell you I paid to be with one in mexico?
wiy300	But I got scammed
OCE-12020	You mentioned you had heard about that in Mexico. But that was about it
OCE-12020	What happened
wiy300	This was in Mexico City. I spent a day with a guy who said he was a perv. I think he was but he was also a scam artist. Was supposedly getting a 5 yo for ID to share
wiy300	*us not ID

wiy300	Anyway he disappeared after I gave him the money. I was stupid for giving it up front
OCE-12020	Damn that's interesting. How much he take?
wiy300	400 ugh
OCE-12020	Still go to Mexico ever?
OCE-12020	Damn that sucks. \$400 is a little chunk
wiy300	Yeah about once a year

18. Telegram conversations continued on March 28, 2023. The TTA user and the OCE chatted about the best day to meet and decided on a Thursday or Friday. The TTA user wrote that they should do voice chat at some point. The TTA user went onto explain what he wants to do upon meeting:

wiy300	And no problem about not joining. Even though I'm not your type you'd still be ok with me playing with her?
OCE-12020	Yeah 100%. Everything you said the other day is cool. Just don't hurt her or leave marks.
OCE-12020	Whatever you want to do
OCE-12020	Hot af
OCE-12020	I'll just watch :)
wiy300	So nice
wiy300	;))
OCE-12020	I wish I had our messages from before. Gets me hard when you tell me what you're gonna do
wiy300	Hehe yeah. I would love to breed her
OCE-12020	Damn tell me more
OCE-12020	She loves playing with my pedo cock. I bet she'll love yours too
wiy300	I would love to cum inside her pussy
OCE-12020	You'd be the first. So fucking hot
OCE-12020	What else. You got me going. Tell me moreeee
wiy300	You'd let me do it before you?
wiy300	I want to feel my load go deep inside get if i can

19. Later that same day, the TTA user explained that he is a "very tall typical white guy. Shaved head professional type". The TTA user and the OCE then discussed what the OCE and the niece were doing for the night. The OCE explained that he was watching movies, etc. The TTA user asked the OCE for a picture of his niece watching cartoons. The OCE explained that he would take a picture at bedtime.

20. Telegram conversations between the TTA user and the OCE continued on March 29, 2023. The OCE and TTA discussed sending selfie photos of each other and a photo of the child. The TTA user subsequently sent an image of himself with a 30 second self-destruct timer.⁴ The TTA user asked how last night went and the OCE sent an (FBI approved) image of a purported child, and this was documented in the below conversation. The image was of a young female approximately 7-8 years old, wearing underwear, and the bed sheet was lifted exposing the child's lower abdomen and white underwear.

OCE-12020	Only 1 for now. And you'll send me a pic also? So I know you're real?
wiy300	Yeah what kind of pic?
OCE-12020	Just a selfie. So when we meet I know you are who you say you are ya know
OCE-12020	Been catfished too many times
wiy300	Like a face pic? Were you going to send one too?
OCE-12020	Yeah I don't mind.
OCE-12020	I trust you
wiy300	SELFIE PIC SENT OF wiy300
OCE-12020	Nice. Damn you were being honest!
wiy300	Wym?
OCE-12020	OCE-12020 sends picture of purported child
OCE-12020	You said tall white guy and bald
wiy300	Haha yeah
OCE-12020	Glad to know I'm not being catfished
OCE-12020	Took this last night. Not sure if you're a panty guy. But I have those still at my apt ;)
wiy300	It's very nice
OCE-12020	Maybe I'll send you a pic of those later with your name on them or can let you have them as a trophy
wiy300	Hehe
wiy300	Any selfies of you
OCE-12020	She has freckles. Hope you don't mind
OCE-12020	Yeah let me get you in a few. Driving and don't want wanna wreck. But I'll send in just a bit

21. Later that same day, the OCE sent two selfie-type photos to the TTA user. One of the images showed a male holding up a piece of paper with "wiy300" and "3-29-23" written on it. In response, the TTA user sent a second selfie holding up a piece of

⁴ Telegram features a "self-destruct" timer which permits a user to send content that disappears after a specified time. The content cannot be recovered once it self destructs.

paper with "@mikeyp559x" on it. This is the username for the OCE's Telegram account. The TTA user continued to discuss future meet-up plans with the OCE, and the TTA user said that he would bring OCE's niece her favorite chocolate bar (Hershey's Dark Chocolate with Almonds) and an Ariel doll (Ariel is a character in a Disney movie).

22. The next day, March 30, 2023, the TTA user and the OCE discussed meeting earlier than previously planned. The TTA user agreed to meet the OCE in Fresno on April 7, 2023. The TTA user reiterated that he would like to video chat with the OCE sometime prior to traveling to Fresno and meeting in person.

IDENTIFICATION OF RODGER GITHENS AS TELEGRAM USER

WIY300 (TTA)

23. Throughout the communications with the TTA user, the OCE was unable to identify the user since Telegram rarely responds to legal process from the United States and often provides limited information if it does respond. As noted above, on March 29, 2023, the TTA user sent two "selfie-type" photos, which clearly showed his face. On one of the photos, the TTA user drew on a note the OCE's Telegram name. The OCE captured videos of both images by using a device separate from the device on which the OCE was chatting. On March 30, 2023, I submitted these photographs for open-source checks in an attempt to identify the user of the TTA.

24. On March 30, 2023, the FBI returned positive hits for the images I had submitted. Images visually consistent with the images provided by the TTA user were located on open-source image repositories. The images were connected to Rodger **GITHENS**. **GITHENS** has a date of birth in August 1977, which makes him approximately 45 years old, the same age as claimed by the user of the TTA. On March 30, 2023, I conducted DMV records checks for **GITHENS**, and learned that **GITHENS**'s height is 6'4" on his California driver's license. DMV images of **GITHENS** visually match the photos sent from the TTA user.

25. Open-source checks also revealed that **GITHENS** has been an Assistant Dean at the University of the Pacific and was currently listed as an Associate Professor at the university. There are numerous photos of **GITHENS** on the University of Pacific website and on other open-source internet sites. **GITHENS** appears to have studied religious studies in Chicago, and he has several degrees from the University of Illinois, which aligns with his messaging to the OCE about originally being from the Midwest. Lastly, throughout conversations, the TTA user referred to himself as “Tod”. On numerous online sources **GITHENS** lists himself as “Rod”, short for Rodger. This is similar to the name **GITHENS** goes by on Telegram, “Tod”. I believe that this also explains why TTA’s screen name is “R”, which is likely short for Rod or Rodger.

WIY300 CONNECTIONS TO CHATTING FROM HOME AND VEHICLE IDENTIFICATION

26. Throughout the Telegram chats with **GITHENS**, the user of the TTA, it was clear that the user of the TTA worked from home often and was chatting with the OCE while at home on several occasions. On March 28, 2023, the user of the TTA messaged the OCE and mentioned working from his residence:

OCE-12020	Wru up to the rest of the day
wiy300	Just working and meetings you?
OCE-12020	Work and gym soon. And then get the little one
OCE-12020	Do you have a ton of meetings?
wiy300	Oh perfect
wiy300	Some days more than others. Today is a little lower key
OCE-12020	Online meetings or do you have to go out and stuff
wiy300	Both but today is all online. Tomorrow I’ll be on site with one of my clients
wiy300	I work from home about 70% of the time usually

27. Additional Telegram chats on March 30, 2023, regarding the TTA user being at home:

OCE-12020	Wru up to today?
wiy300	Oh damn that sucks
wiy300	I’m working at home today
wiy300	Been thinking about you two
OCE-12020	Oh yeah

OCE-12020	What you been thinking about
wiy300	Hanging out, me giving her gifts, you enjoying seeing her with another man
wiy300	It's all hot af

28. On March 30, 2023, an FBI agent from the Sacramento Field Office conducted surveillance at [REDACTED] AVENUE, WEST SACRAMENTO, CA (the **TARGET RESIDENCE**). This is the listed address for **GITHENS** on multiple law enforcement databases and the Department of Motor Vehicles (DMV). During this surveillance, which was on the same day that the TTA user messaged the OCE that he was working from home, the FBI agent identified a silver Nissan SUV bearing California license plate [REDACTED] (**TARGET VEHICLE**). This vehicle is registered to **GITHENS** with the California DMV as a 2015 Nissan.

ATTEMPTS TO MEET GITHENS

29. On several occasions from April 7, 2023, to April 19, 2023, OCE-12020 and **GITHENS** arranged several meet ups in Fresno for **GITHENS** to meet OCE-12020 and get comfortable with each other in order for **GITHENS** to have sex with OCE-12020's purported 7-year old niece. All of these potential meet ups were cancelled by **GITHENS** for various reasons relating to his schedule, work, or spouse. However, even after several cancellations, **GITHENS** still professed to OCE-12020 that he was still interested in meeting and needed to be comfortable prior to making the drive to Fresno.

CHATS WITH GITHENS FOLLOWING INTIAL CANCELLATIONS

OCE-12020	Hey Tod are you alive man? Still good for Friday or what?
wiy300	Hey, I'm going to need to cancel for this week
OCE-12020	There you are. Thought you were gone man
wiy300	Nah why did you think that
OCE-12020	People always ghost
OCE-12020	And hadn't heard from you
wiy300	Yeah people get nervous
OCE-12020	You gotta cancel? Damn I even told B she'd be meeting one of my new friends haha

30. wiy300 did not respond to the last message above and effectively cancelled the planned meet up with the OCE in Fresno that was scheduled for April 7, 2023. On April 5, 2023 OCE-12020 messaged wiy300 "Should have known you were just all talk. I even kept you a pair of her panties I snagged on Monday. Oh well". The messaged showed two checkmarks once delivered, meaning wiy300 had read the message, but did not respond.

31. On April 12, 2023, OCE had the below limited conversation with wiy300.

OCE-12020	Hey man haven't heard from you. You all good? Did you still want to video chat?
wiy300	Hey man yeah that would be hot. Have you talked with others like us lately?
OCE-12020	Yeah I've been talking with a few. Met a diff guy who's interested
OCE-12020	What's been up lately man. We used to talk alot. And now you never hit me up

32. Telegram conversation April 13, 2023:

OCE-12020	Wanna video chat today?
wiy300	When u thinking
wiy300	Nice where is he? (RESPONSE TO APRIL 12, 2023, CONVERSATION)
OCE-12020	Anytime today bro. Just lemme know and I'll pull off so I don't wreck
OCE-12020	He's only a few hours away
wiy300	Ok man nice. I'm in meetings rn

33. wiy300 and OCE continued conversing and set up a time to video chat through Telegram the afternoon of April 13, 2023. At 3:36 PM PST., OCE-12020 and wiy300 had a roughly five-minute long video chat. During the chat OCE and wiy300 discussed how it was nice to video chat and reconnect. OCE and wiy300 discussed possibly meeting up the following day. OCE-12020 mentioned to wiy300 that he taken some pics recently and wasn't sure if wiy300 wanted them. wiy300 responded "definitely". Meeting the following day in Fresno would depend on wiy300's schedule.

This conversation was captured via audio/video equipment and is contained in the case file as an evidence item.

34. Telegram conversation continued April 13, 2023, after the video chat.

wiy300	Hey man you off work yet?
OCE-12020	Yeah what's up bro
wiy300	Just relaxing. Was thinking about what we've talked about;)
OCE-12020	Oh yeah
OCE-12020	What you thinking about
wiy300	What you two do together tbh
wiy300	You had any time with lately?
OCE-12020	Yeah on Monday she was over
wiy300	Oh nice how was that?
OCE-12020	Amazing man. I love it
wiy300	Nice! What did you do?
OCE-12020	She sucked on me again and I got her super wet
wiy300	Aww so sexy
wiy300	Any vids you want to share?
OCE-12020	I wish man. I've always been scared to record
wiy300	I get it completely
wiy300	You said you had some pics? ;)
OCE-12020	Yeah I snapped a few this week
wiy300	Nice what kind?
OCE-12020	Some normal ones and some like I sent you before
OCE-12020	You not gonna ghost me again are you
wiy300	Nice
wiy300	No man I feel like the vid chat helped a lot
wiy300	I just want to be sure everything is legit
OCE-12020	I'm very legit man
OCE-12020	I have been since our first message :)
wiy300	You seem legit af. You also seem like a really nice guy tbh
OCE-12020	Thanks man. Appreciate that
OCE-12020	I try to be
OCE-12020	So did you check on your availability
OCE-12020	What did u wanna do
wiy300	Yeah if I mt you somewhere else I'd totally think you were a nice guy
OCE-12020	Thanks!

wiy300	Tomorrow is going to be rough because of a meeting i have to do in the afternoon
OCE-12020	Gotcha. I mean I can be free. But it's up to you
OCE-12020	OCE-12020 SENDS PHOTO OF APPROVED FACIAL IMAGE OF A PURPORTED CHILD
OCE-12020	Snapped this of B the other day
OCE-12020	Please don't share
wiy300	Aww she's so cute
OCE-12020	I'm protective of who sees her face
wiy300	I promise I won't
OCE-12020	Trusting you
wiy300	You have any selfies of you two together?
OCE-12020	Yeah I think so. I don't actually take many pics of myself
OCE-12020	Self conscious thing
wiy300	You take great pics tbh
OCE-12020	Haha I don't think so. I hate what I look like
wiy300	Really?
OCE-12020	Yeah always have
wiy300	I know you're not into older guys like me but if you don't mind me saying you're sexy af
OCE-12020	Thanks bro. That means a lot
OCE-12020	Well let me know man about tomorrow. If so I gotta plan and stuff
wiy300	You're welcome. I bet she thinks you're handsome too
OCE-12020	I think she does :)
OCE-12020	Loves her uncle mikey
wiy300	Awww
wiy300	Let me know if you find a selfie of you two
OCE-12020	I'll send one in a few. Have to dig through my pics. Have a ton of her. But not many of us together. But I'll find ya one
OCE-12020	I hate pics (LAUGH EMOJI)
OCE-12020	I hate sending pics of myself haha. Let alone B. So I'm trusting you'll not show anyone them and won't ghost me again bro
wiy300	I swear I won't do either
wiy300	;))
OCE-12020	Sorry was on a run and dropping my truck off
wiy300	Oh no problem
wiy300	Wyd?

OCE-12020	OCE-12020 SENDS PICTURE OF ADULT WHITE MALE AND MINOR GIRL STANDING BESIDE EACH OTHER
OCE-12020	Please don't share
OCE-12020	I cropped our faces out a little. But please don't show anyone
wiy300	Beautiful pic
OCE-12020	Glad you like:)
wiy300	I promise not to
wiy300	You look great together
OCE-12020	We try ;)
OCE-12020	Always hate how I look
OCE-12020	So what are we doing here man. Sorry I'm kind of blunt haha
wiy300	I bet men and women both must be super interested in you though. You look great
wiy300	It's ok I understand being blunt. Could we keep talking frequently for a few more days? I just want to get really comfortable first. I'm sorry if I seem like a wuss
OCE-12020	Nah it's cool. I mean I've done anything you've asked and got others hitting me up ya know. But you're super cool. Just don't like playing games or anything. What/when were you thinking
wiy300	I'm not playing games I swear
wiy300	Let me look at the calendar
wiy300	I feel like we have a good rapport
OCE-12020	Ok. Trusting you again man. Just been doing anything you've asked ya know. And hope you're not gonna waste my time or not a cop or something lol
OCE-12020	I agree. Great rapport
OCE-12020	Also if this isn't your thing. I totally get it
wiy300	I'm definitely not a cop or anything like that. And it is totally my thing. I think what you two have is so nice
wiy300	I read an article about people who lure guys like us and turn them into law enforcement. Not that I think you would do that but they're like vigilante types. That's why I'm just trying to be certain about everything
wiy300	Does that make sense?
OCE-12020	Yeah man. I mean I'm not a fucking vigilante for sure (LAUGH EMOJI). I'm just a dirty perv like you lol. And you have given me great advice so far.
OCE-12020	I just don't want to be played or have my time wasted again ya know especially after I sent you private photos that I'm trusting you with
OCE-12020	Let me know what you're thinking. I like to lock stuff in and I'm a man of my word. Once I lock something in I stick to it

wiy300	I appreciate that. You seem really serious and I like that. I'm not playing, I swear. I wish there was a way for just you And I to meet up and get to know each other. With no pressure. You're never up further north?
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35. OCE-12020 and wiy300 continued conversing on April 13, 2023, chatting generally about trusting each other and how cautious wiy300 is. Conversations continue below on April 13, 2023:

OCE-12020	Found the cutest pic of B just now when I was looking in my albums. From when I took her to school a few weeks back.
OCE-12020	That's good man. Hard drugs are a no go
wiy300	Aww would love to see
wiy300	I wont' be around it either
OCE-12020	OCE-12020 SENDS PIC OF A PURPORTED CHILD EATING A BANANA
OCE-12020	Again please don't share man
OCE-12020	She's my pride and joy
wiy300	She's beautiful
wiy300	Love that she has a banana;)
OCE-12020	I always give her bananas (BANANA EMOJI ;)
wiy300	Aww
wiy300	I love how proud you are of her
OCE-12020	Wouldn't you be :)
OCE-12020	So did you check your calendar?
wiy300	I would be very proud
wiy300	How about next Fri evening?
OCE-12020	That can work man. As long as you won't leave me hanging :)
OCE-12020	I like to set stuff in stone. I get anxious when things aren't scheduled.
wiy300	Let's keep talking every day off you're up for it. Just give me some time to get fully comfortable?
OCE-12020	That's fine man. So do you wanna lock in next Friday and we can chat all you want
wiy300	Can we wait a few days for me to confirm?
OCE-12020	What ever you wanna do man
OCE-12020	Like I said if it's not your thing. I totally get it. I just like real life stuff and hate fantasy.
OCE-12020	I do like to know in advance tho. So I can play my week and stuff
OCE-12020	Plan*
wiy300	It's totally not fantasy for me
wiy300	I have some experiences myself

wiy300	And I want to do it again
OCE-12020	Yeah I know man. I believe you.
wiy300	Thanks I appreciate it
OCE-12020	No prob
wiy300	What time you picking her up tomorrow?
OCE-12020	I didn't confirm with my sister once you weren't sure

36. Conversations continued on April 14, 2023:

wiy300	Hey man how's your day
OCE-12020	Busy busy. Greta weather tho. Wbu
wiy300	Me too. Just ran to pick up something and it's beautiful outside
OCE-12020	What's on your agenda today
wiy300	Just catching up on stuff today with a couple meetings in between including that one late that I mentioned
wiy300	Been thinking about you two all morning
OCE-12020	What you been thinking about (SLY FACE EMOJI)
wiy300	The relationship that you all have and getting to know you both
OCE-12020	Same man. I've been thinking about you too as well
OCE-12020	I think B will like you
wiy300	What you been thinking about ?
wiy300	Oh I'm glad
OCE-12020	What you said you'd do to her and how fucking hot it would be
wiy300	Oh nice. ;) I think we should stick to just oral though. Is that ok?
OCE-12020	Whatever you want to do I'm cool with
wiy300	Yeah because anything more her mom would be able to see
OCE-12020	Yeah I agree. Can't leave marks
wiy300	Including fucking she would be able to see. I was talking to a guy i know who fucks his daughter and he said you can't do it unless parents are in on it
OCE-12020	Oh really? Because of leaving marks or they can tell somehow?
OCE-12020	I've only used my tongue and fingers
wiy300	Because the pussy opens up and doesn't close when they're that young he said
wiy300	How far in have you gone?
OCE-12020	Only about an inch
OCE-12020	She still gets wet from that
wiy300	That's sexy

wiy300	Does she moan?
OCE-12020	Kind of. But she gets really quiet sometimes
OCE-12020	She likes to push against your tongue or finger
wiy300	What makes her get quiet?
OCE-12020	Idk really. Maybe she just doesn't fully understand sex yet lol
wiy300	Have you ever been able to get her to orgasm?
OCE-12020	Yes and no haha. She acts like it. But I'm not entirely sure if she really does lol
wiy300	How would she know how act? From vids or seeing you cum?
OCE-12020	Yeah we have watched vids together and yeah you're right probably from seeing me cum (SMILE EMOJI)
OCE-12020	How do you see yourself going about it with her (HEART EYES EMOJI)
wiy300	It's cute that she does
wiy300	I'd love to eat her out a lot
wiy300	And finger her
wiy300	What would you do while I'm going at it?
OCE-12020	I'd sit and watch. I'd be super quiet so you can have your moments with her and I'd probably get off more than once
OCE-12020	I'm able to cum almost back to back sometimes
wiy300	That's hot af that you can cum so much
wiy300	Promise you won't record anything ?
OCE-12020	Nah I'll lock my phone in the closet if you want haha
wiy300	We can both leave phones
wiy300	Awesome
OCE-12020	Whatever makes you most comfortable Tod
wiy300	Thanks. Eventually I feel like we'll be able to trust each other completely
OCE-12020	I already feel like I trust you a ton. You have never given me a reason not to
OCE-12020	Aside from going mia before lol
wiy300	I feel the same and I'm sorry about that
OCE-12020	It's okay man
OCE-12020	Tell me more about what you're gonna do
OCE-12020	Gets me hard while I'm driving
wiy300	You should send me a pic of your bulge ;)
wiy300	I want to kiss and caress her little body. Nibble on her tits, make out with her;)
OCE-12020	Hmmm. Maybe I'll send more. But you can't show anyone. And would prove even more that I'm legit lol

OCE-12020	Got me hard af man. What else you gonna do
wiy300	Fuuck yes bro
OCE-12020	I was just thinking. You shouldn't get off until you see her. That way you have a huge release and load
wiy300	I want to eat that little smooth pussy
OCE-12020	OCE-12020 SENDS IMAGE OF A MALE PROSTHETIC PENIS
wiy300	Fuuck in that case I would probably explode way too fast lol
OCE-12020	So you know I'm legit man. Don't share haha
wiy300	You're sexy af
OCE-12020	Like I said I'm not into guys your age. But love hearing what you're gonna do
wiy300	Do you mind when I say stuff like that?
wiy300	About you?
wiy300	If you do I'll stop
OCE-12020	I mean idc. Just know I'm only into young really
wiy300	I know you'll never be into me
wiy300	That doesn't bother me
wiy300	You treat me really well as a friend
OCE-12020	Ok good :)
wiy300	Starting a meeting
wiy300	Ttyl
OCE-12020	Damn running away again :(
wiy300	Sorry it was a 1:1 meeting so I couldn't text
OCE-12020	No worries
OCE-12020	So I was wondering. When you come visit. What will you tell your hubby
wiy300	That's a very good question. I was thinking to just tell him I met someone who invited me to visit
wiy300	I don't feel like I could tell him all the details
OCE-12020	Oh ok. That makes sense. Whatever works :)
wiy300	What were you thinking?
OCE-12020	Also I was thinking if you stick to mainly oral then no std test really would be needed
OCE-12020	But could bring condoms in case you change your mind
OCE-12020	Would he ask questions about who you met or do you have any work things you could come up with?
wiy300	I would still want to get an std test because you can have stuff in your mouth
wiy300	I had thought about saying work

37. OCE-12020 and wiy300 continued chatting on April 14, 2023, with wiy300 proposing that he may be free to come to Fresno on April 15, 2023, depending on

his husband's schedule. wiy300 stated he would check that night if his husband was going to be visiting friends on the April 15, 2023. wiy300 responded later that night at 6:37PM "So I definitely won't be alone tomorrow. He wants to go hiking or get out somewhere. :(".

38. OCE-12020 and wiy300 had limited contact on Saturday, April 15, 2023. Conversations continued on April 16, 2023. wiy300 requested OCE-12020 send a picture of OCE-12020's niece at a playground waving at the camera. OCE-12020 sent wiy300 a picture of a purported child at a playground and a video of a purported child saying "hi Tod" while going down a slide. Additionally, OCE-12020 and wiy300 discussed that wiy300 would let OCE-12020 know by Tuesday, the 18th if wiy300 could come to Fresno on the 21st of April. Conversations continued below with wiy300 and OCE-12020 discussing OCE-12020's time at the playground.

wiy300	Little boys are so curious. Were they looking at you?
wiy300	She's adorable
OCE-12020	Yeah they were giggling and running all around me
wiy300	We used to have a school around the corner and I'd jo from the sounds of kids playing
OCE-12020	Ughh that's hot afff man
OCE-12020	From your home or car??
wiy300	At home I could hear them
OCE-12020	So hot
wiy300	Last year i was out of town for work staying in an airbnb across from an elementary school playground. I edged watching and listening from inside the apartment
OCE-12020	So dirty. I fucking love it
wiy300	I like thinking about how many other guys like us do that too
OCE-12020	Same man. I love thinking about it
wiy300	I always think sexual thoughts when I see a little kid

39. The above conversation continued and OCE-12020 notified wiy300 that Wednesday, April 19th could also work. wiy300 said that may work but he would need to check on some stuff. wiy300 said he would probably get a hotel nearby. OCE-12020

referred wiy300 to the Hyatt Place, at 7333 N. Fresno St., Fresno, CA. wiy300 and OCE-12020 had limited conversations on April 17 and April 18. However, wiy300 notified OCE-12020 that “some shit hit the fan” at work with a project on April 17, 2023. On April 18, 2023, wiy300 notified OCE-12020 that tomorrow (April 19th) may not work to meet due to work issues.

SEARCH OF GITHENS BODY, DEVICES, & RESIDENCE

40. On April 19, 2023, a federal search warrant for **GITHENS** body, electronic devices, and residence of [REDACTED] Avenue, West Sacramento, CA was executed by FBI agents. **GITHENS** was observed by FBI surveillance units on the afternoon of April 19, 2023, at his residence. Shortly thereafter, a call and text were sent to **GITHENS**'s registered phone number from a West Sacramento Police Sergeant advising **GITHENS** his stolen packages, about which he had contacted West Sacramento Police Department in the months prior, had been recovered. **GITHENS** was instructed to stop by the department that day and pick up his packages. Shortly thereafter **GITHENS** was observed leaving his residence and a vehicle stop by West Sacramento Police units was performed. **GITHENS** was transported to his residence for questioning and to complete a search of his body and devices. During the initial contact with **GITHENS** an Apple iPhone was recovered in **GITHENS** possession that had the lock screen unlocked. **GITHENS** advised to officers that this was his phone.

41. **GITHENS** was brought to his residence, uncuffed, advised of his rights, and interviewed by agents. During **GITHENS**'s interview, agents completed a cursory review of the seized iPhone in **GITHENS**'s possession. The Telegram application was discovered on **GITHENS**'s device, with the username of wiy300, the same username that had been chatting with OCE-12020. The chats between OCE-12020's Telegram account “mikeyp559x” and **GITHENS**, “wiy300” were discovered on the seized Apple iPhone. Additionally, agents reviewed several messages within **GITHENS**'s Telegram

application and discovered numerous chats **GITHENS** was having with multiple Telegram users. Many of these chats were similar to the same chats **GITHENS** had with OCE-12020. For example, **GITHENS** messaged a “Joel Perez freano sac 36” account, “I want to share a boy with you”. **GITHENS** then later distributed a video to this user depicting a young minor boy performing oral sex on what appears to be an adult male. **GITHENS** and the user then went on to discuss the ease of arranging sex in Mexico with young children, similar to the conversation **GITHENS** had with OCE-12020. **GITHENS** then sent an additional video to the same user. The video depicts a young child, possibly under the age of eight years old being raped by an adult male. **GITHENS** messaged “Hope it won’t freak you out”, and “I get it completely it’s pretty extreme.” **GITHENS** next shared a video depicting a young male child, who appeared to be under the age of 12 performing oral sex on an adult male. **GITHENS** wrote under the video, “This cutie likes it”. This text exchange between **GITHENS** and the above user was only one of several chats that **GITHENS** possessed in his Telegram account, wiy300.

42. During the cursory review of **GITHENS**’s Telegram account wiy300 agents discovered that **GITHENS** had received numerous child pornography images and videos from several Telegram users. Several of these conversations were in Spanish, thus it was not immediately possible to know the what the text associated with images stated. But there were numerous videos/photos of children, several of whom appeared to be prepubescent, performing sexual acts with adults. Additionally, **GITHENS** had a “photo vault” style application on his phone that was thumbprint protected. This means that only **GITHENS**’s thumbprint could open the vault application. **GITHENS** was asked to unlock this application and did so. Within the application were numerous folders with different labels. One of those folders was labeled “Fresno” and contained the images sent by OCE-12020 of an adult white male and OCE-12020’s purported seven-year old niece. There was an additional locked folder within the photo vault that required an additional

password to unlock. Agents were unable to view the contents of this folder during the cursory review.

INTERVIEW OF [REDACTED]

43. While executing the search warrant at [REDACTED] Avenue, West Sacramento, CA **GITHENS's** husband [REDACTED] arrived home from work. [REDACTED] was made aware of the situation and was subsequently interviewed by agents. During this interview [REDACTED] made it clear to agents that no one besides **GITHENS** had access to **GITHENS's** phone or electronic devices. He also stated he did not know any of **GITHENS's** passwords, and he never used **GITHENS's** devices. [REDACTED] was unaware of any possession/distribution of child pornography or online chatting **GITHENS** may have been conducting.

CONCLUSION

44. Based on the information above, I submit that there is probable cause that **RODGER GITHENS**, aka "wiy300" on Telegram, committed the crime of Receipt and Distribution of Images of a Minor Engaged in Sexually Explicit Conduct, in violation of 18 U.S.C. § 2252(a)(2).

45. I request that the Court issue an arrest warrant for **GITHENS**.

I swear, under penalty of perjury, that the foregoing Information is true and correct, to the best of my knowledge, information and belief.

/s/ Adam Bruflat
Adam Bruflat
Special Agent, Federal Bureau of
Investigation

Subscribed and sworn to before me on: _____ by telephone pursuant to Fed. R. Crim. P. 41(d)(3).

Honorable Barbara A. McAuliffe
United States Magistrate Judge
Fresno, California

APPROVED AS TO FORM BY:

/s/ David Gappa

DAVID GAPPA
ASSISTANT UNITED STATES ATTORNEY