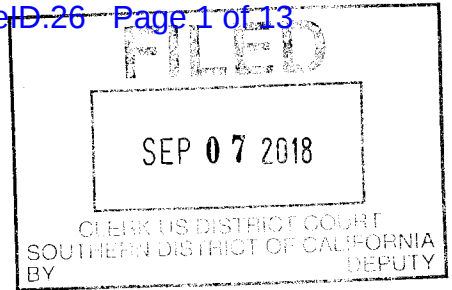


ERIC G. ROSCOE

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	MAGISTRATE CASE NO.:
	)	
Plaintiff,	)	<b>18MJ4815</b>
	)	
v.	)	<u>COMPLAINT FOR VIOLATION OF:</u>
	)	
	)	Title 18, U.S.C., Sec. 2422(b) Attempted
ANDRE ANTHONY FRANKLIN,	)	Enticement of a Minor, and
aka: Tommy Martin	)	
Defendant.	)	Title 18, U.S.C., Sec. 2423(b) Travel
	)	with Intent to Engage in Illicit Sexual
	)	Conduct.

The undersigned Complainant, being duly sworn, states:


COUNT 1

On or about and between August 30, 2018 and August 31, 2018, within the Southern District of California, Defendant, ANDRE ANTHONY FRANKLIN, *AKA TOMMY MARTIN* using any facility and means of interstate and foreign commerce, including the telephone and by computer, did knowingly attempt to persuade, induce, entice, and coerce, an individual whom he believed had not attained the age of 18 to engage in prostitution and any unlawful sexual activity for which a person could be charged with a criminal offense; in violation of Title 18, United States Code, Section 2422(b).

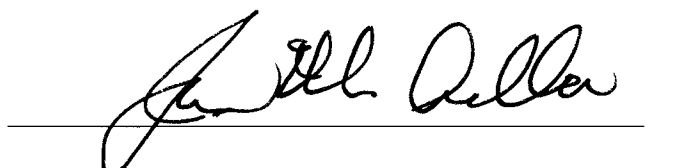
COUNT 2

1  
2 On or about and between August 30, 2018 and August 31, 2018, within the  
3 Southern District of California and elsewhere, Defendant, ANDRE ANTHONY  
4 FRANKLIN, did travel in interstate commerce, to wit: Nevada to California for the  
5 purpose of engaging in any illicit sexual conduct with another person; in violation  
6 of Title 18, United States Code, Section 2423(b) and (f)(2).

7 The complainant states that this complaint is based on the attached  
8 Statement of Facts incorporated herein by reference.

9  
10   
11 Chase Chiappino  
12 Special Deputy  
13 United States Marshall

14 Sworn to me and subscribed in my presence this 6 th day of September, 2018.

15  
16   
17  
18 HON JAN M. ADLER  
19 UNITED STATES MAGISTRATE JUDGE  
20  
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**PROBABLE CAUSE STATEMENT**

1  
2 I am cross-sworn as a Special Deputy United States Marshall for participating  
3 in the Child Exploitation Task Force. My primary agency is the San Diego Sheriff's  
4 Department. I have been a sworn Deputy Sheriff with the San Diego County  
5 Sheriff's Department since January 2008. I graduated from the basic Police  
6 Academy on January 7, 2008. Prior to attending the police academy, I graduated  
7 from San Diego State University in 2005 with a Bachelor's Degree in Criminal  
8 Justice. I also graduated from National University in 2009 with a Master's Degree  
9 in Organizational Leadership.

10 I am currently assigned to the San Diego Human Trafficking Task Force  
11 (SDHTTF) as a Sergeant, and have been so assigned for approximately four months.  
12 I have over three years of previous Human Trafficking experience. I was previously  
13 cross-sworn as a Special Deputy US Marshall on the Innocence Lost Task Force  
14 with the FBI focusing on Human Trafficking of Minors. I have experience writing  
15 Federal and State Search/Arrest Warrants regarding Human Trafficking. My  
16 experience as a Deputy Sheriff and Special Deputy US Marshall has included the  
17 investigation of cases involving the use of computers and the Internet to commit  
18 crimes. I have received training and gained experience in interviewing and  
19 interrogation techniques, arrest procedures, search warrant applications, the  
20 execution of searches and seizures, computer evidence seizure and processing, and  
21 various other criminal laws and procedures. I have personally participated in the  
22 execution of search warrants involving the search and seizure of cellular telephones  
23 and other electronic devices. Throughout my career, I have investigated over 1000  
24 cases as well as assisted in many others. I have attended over 80 hours of Cell Phone  
25 forensic training, both by independent electronic companies as well as by the Secret  
26 Service's National Computer Forensics Institute.

1 Between August 22, 2018, and August 31, 2018, Deputy Sheriff W.  
 2 Worthington communicated with someone using the Facebook profile “Conoly  
 3 Franklin” via Deputy Worthington’s undercover Facebook profile and subsequently  
 4 via a cellphone. Deputy Worthington maintains the undercover Facebook profile as  
 5 part of her duties as a Deputy assigned to the Sheriff’s Criminal Intelligence Unit.  
 6 The undercover profile she utilizes has photographs of an adult female and lists both  
 7 her age (27-years-old) and her location (San Diego, California). The individual who  
 8 messaged Deputy Worthington with the “Conoly Franklin” listed his date of birth  
 9 and location (Reno, Nevada). A search of the Nevada Department of Motor  
 10 Vehicle’s database confirmed that a Conoly Franklin with the same date of birth has  
 11 a listed residence in Reno, Nevada. I compared the Nevada DMV photograph of  
 12 Conoly Franklin with the photographs associated with the “Conoly Franklin”  
 13 Facebook profile and confirmed that they were of the same individual (hereinafter  
 14 “Conoly”).

15 On August 23, 2018, Deputy Worthington replied to a message from Conoly  
 16 using Facebook. Over the course of one week, Conoly recruited Deputy  
 17 Worthington’s undercover persona to work as a prostitute for him. When Deputy  
 18 Worthington brought up her 16-year-old sister and told Conoly that she had to make  
 19 arrangements for her sister before she could leave, Conoly proposed having her  
 20 come along to Reno and also work as a prostitute.

21 On August 30, 2018, while texting with Deputy Worthington, Conoly  
 22 mistakenly sent Deputy Worthington a text message that he intended to send to  
 23 someone else. The following is that exchange:

08/30/2018 6:55 PM	Conoly Franklin	What's the room number bby
-----------------------	--------------------	----------------------------

1	08/30/2018 7:22 PM	Dep Worthington	805
2	08/30/2018 7:23 PM	Conoly Franklin	My bitch just hit me and told me what room she in...its real...Come up time
3	08/30/2018 7:31 PM	Conoly Franklin	I said that cause my boy keep hounding me too meet your sister...so I had to tell him its just you...feel me...
4	8/30/2018 7:32 PM	Conoly Franklin	Cause he think it ain't real...lol...wait til I get bk

8  
9 On that same day, ~~FRANKLIN~~<sup>CONOLY</sup> informed Deputy Worthington that he had  
10 obtained a vehicle in order to come pick up Deputy Worthington and her sister, was  
11 bringing his "boy," and was beginning his trip from Reno, Nevada to the location  
12 provided by Deputy Worthington, 700 National City Blvd, National City, CA in the  
13 Southern District of California. He traveled through the night and arrived the  
14 following morning driving a white Toyota Camry with his son Andre Anthony  
15 FRANKLIN ("FRANKLIN").

16 During the early morning hours of August 31, 2018, Deputy Worthington was  
17 awaiting Conoly's arrival in a hotel room at Ramada Inn located at 700 National  
18 City Blvd, National City, CA. Conoly contacted Deputy Worthington on her cellular  
19 phone while he was attempting to locate her at the hotel. While on the phone with  
20 Conoly, Deputy Worthington stepped out onto the balcony of the hotel and waived  
21 to him. SDHTTF Officers (TFOs) positively identified Conoly and his son  
22 FRANKLIN in the parking lot of the Ramada Inn at 700 National City Blvd,  
23 National City, CA, and placed them both under arrest at approximately 5:55 a.m.

24 After being arrested, FRANKLIN and Conoly were transported in a patrol  
25 vehicle back to the police station in National City, California. The patrol vehicle  
26 had audio recording equipment inside, and it captured a conversation between  
27 FRANKLIN and Conoly. FRANKLIN and Conoly can be heard on the recording

1 talking to each other about how they do not look like pimps. Conoly says, “they  
 2 have nothing on us.” He states “we weren’t here pimpin’ and panderin.”  
 3 FRANKLIN points out that they do not have any clothes, and Conoly responds that  
 4 they should say they were on vacation and were going to go buy clothes.  
 5 FRANKLIN says to Conoly, “I’m definitely no pimp” and tells Conoly that they will  
 6 tell the officers that “we got here too late you know we were going to get a room  
 7 you know what I am saying.”

8 FRANKLIN was advised of his Miranda rights and agreed to speak with  
 9 officers. He provided verbal consent to the search of his cellphone. TFOs  
 10 discovered messages between FRANKLIN and a contact identified as “Pops<sup>1</sup>,” from  
 11 Tuesday August 28, 2018, in which “Pops” asks FRANKLIN, “Wanna rock with me  
 12 to San Diego, got 2 on deck.” “Pops” and FRANKLIN then exchanged the following  
 13 text messages on August 30, 2018:

Pops	You might want to go with me son
FRANKLIN	Okay I’ll go with you pops I wanna go frfr anyways
FRANKLIN	I need to go with you so get me some game too frfr
FRANKLIN	Wait for me pops

26 \_\_\_\_\_  
 27 <sup>1</sup> TFOs positively identified the number for Pops as the same number used by Conoly in communicating with Deputy Worthington.

1 FRANKLIN identified “Pops” as his father, Conoly. He proceeded to tell  
2 TFOs that he knew there were two girls and he was supposed to come out to San  
3 Diego with his father, Conoly, to pick them up. He did not state that he was going  
4 to pick the girls up for purposes of prostitution.

5 On August 31, 2018, the United States charged Conoly via complaint with  
6 violation of 18 U.S.C. § 2422(a) for his attempted enticement of Deputy  
7 Worthington (18mj4730-BLM).<sup>2</sup>

8 While reviewing FRANKLIN’s phone, TFOs identified his phone number as  
9 (714) 720-3103 and located a text message exchange that appeared to be another  
10 possible UC conversation. On September 5, 2018, TFOs determined that the phone  
11 number FRANKLIN was texting was associated with another law enforcement  
12 undercover operation being run by the Napa Special Investigations Bureau (NSIB)  
13 out of Napa, California. TFOs contacted NSIB Officers (NSIBOs), who informed  
14 TFOs that they were interacting with FRANKLIN as recently as August 31, 2018,  
15 as part of a completely separate undercover operation.<sup>3</sup>

16 According to NSIBOs, they located the phone number (714) 720-3103  
17 pursuant to a state search warrant executed on a phone belonging to a known  
18 prostitute in Napa, California. The number contacting the prostitute sent the  
19 message, “I really hope you could really come by my bottom bitch like in a real way  
20 like hope you not just tryna play with me really come to stay with a nigga I swear  
21 we gone have they ass man.”<sup>4</sup> NSIBO’s believed that the number appeared to be  
22 someone involved in commercial sex, and contacted the number. The following is  
23

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24 <sup>2</sup> The United States also sought to charge FRANKLIN under an aiding and abetting theory, but the duty United  
25 States Magistrate Judge declined to find probable cause on the limited facts presented at that time. Rather than  
26 supplement the facts, the United States elected to continue its investigation of FRANKLIN and turned him over to  
the San Diego Sheriff’s Office on outstanding state warrant for PC 1551.1- fugitive from justice out of Santa Ana,  
California. FRANKLIN currently remains in state custody.

27 <sup>3</sup> NSIBOs confirmed an aka for FRANKLIN of Tommy Martin.

<sup>4</sup> This is one of several text messages exchanged with the number discussing prostitution.

1 an excerpt of the conversation engaged in by FRANKLIN with alternating  
2 undercover officers (UC), out of Napa, California:

3 **August 30, 2018**

4 UC	Hey wyd
5 FRANKLIN	Who this
6 UC	Jamie
7 FRANKLIN	Who you looking for
8 FRANKLIN	Where I meet you at
9 UC	My girl gave me ur number
10 UC	Ion cause my girl just told me hit this line
11 FRANKLIN	What you tryna do get some money
12 UC	I'm always lookin for a move that's gonna better my situation ☐☐
13 FRANKLIN	Send me a pik of you then
14 FRANKLIN	You in Reno
15 UC	Or u lookin for a date
16 FRANKLIN	Or
17 UC	Or what...
18 FRANKLIN	Naw I'm Looking to get some money with a female and better her 19 situation and show her some Real Results
20 UC	That's what I'm talkin bout
21 UC	What's ur page so I can c what u bout
22 FRANKLIN	So if that's what you looking for is you ready to Come home and 23 Be apart of a real team and stay down for The Come up or what
24 FRANKLIN	You got ig
25	
26	
27	



1 FRANKLIN She sent you in The Right direction the.

2 At approximately 2:56pm on August 30, 2018, the undercover officer told  
3 FRANKLIN that she was 16-years-old. Undeterred, FRANKLIN continued to  
4 discuss performing commercial sex acts and the price that she would need to pay to  
5 work for him. The following is that text conversation:

6	FRANKLIN	How old are u
7	UC	U ain't gonna get mad if I tell u r u
8	FRANKLIN	Naw tell me
9	UC	I'm 16
10	UC	Fr dint be mad tho
11	FRANKLIN	And you be trappin <sup>5</sup>
12	FRANKLIN	Dam ma and Ashley sent you my direction how That happen
13	UC	The ash I kno is bout my age wit brown hair
14	UC	Iono she said u was cool Nd good
15	FRANKLIN	Yea I'm Coo and Shit like in a real way
16	UC	Frfr I'm just tryin make doe Nd get to the top
17	UC	C that's y I didn't wanna tell u cause u wouldn't like me
18	FRANKLIN	Who said that
19	UC	Iono u didn't answer so I just guessed
20	FRANKLIN	Naw if you serious Nd frfr Nd gone listen Nd wanna really get to
21		the top
22	FRANKLIN	See
23	FRANKLIN	You the police or not
24	UC	Wtf
25		

26 \_\_\_\_\_  
27 <sup>5</sup> Based on my training and experience, "trappin" is a term commonly used in the world of prostitution to refer to performing commercial sex acts.

1	UC	He'll no
2	FRANKLIN	I'm asking
3	UC	Wtf y u say that
4	FRANKLIN	Gotta ask it's mandatory
5	FRANKLIN	Why you ain't called
6	UC	Still wit my aunty
7	FRANKLIN	Ight Ight I'm let you know this though you gine have bring me a
8		bag if you wanna fuck with me you gotta come correct feel me
9		you say you be trappin right
10	UC	Ya be trappin
11	UC	What the fee gonna be
12	FRANKLIN	I need 1500 for my fee <sup>6</sup>
13	FRANKLIN	How you be trappin if you can't even answer the phone
14	FRANKLIN	Ma
15	UC	Frfr that's a lot
16	FRANKLIN	You can't go outside or a bathroom and talk daddy real fast like
17		can't even hear your voice and if you really want you get it or close
18		enough
19	UC	Nd I can usually answer just when u called my aunty game by so
20		now I'm stuck wit her for a bit
21	FRANKLIN	Anything we want or need should never be too much we could
22		accomplish Watever in this lifestyle
23	UC	Ok I call u in a few

<sup>6</sup> Based on my training and experience, its common in the world of prostitution for a prostitute to pay her pimp a fee at the outset of their relationship. This fee is often called a "choose up fee."

1	FRANKLIN	You a trophy 🏆 you a go getter you should believe in your self to
2	FRANKLIN	or close to it and I'll come get you but call me in a lil
3	FRANKLIN	make anything work like you saying that's a lot but wen you with
4	FRANKLIN	I
5	FRANKLIN	recommend 500 to a band a night so that's should be nothing get a
6	FRANKLIN	band <sup>7</sup>

7  
8 I reviewed FRANKLIN's cellphone and confirmed that all of these text  
9 messages with the undercover officer are also contained on that device. I also  
10 examined photographs sent by the user of (714) 720-3103 to the undercover officer  
11 and confirmed that they are photographs of FRANKLIN. Additionally, FRANKLIN  
12 called the undercover officer on several occasions, and those conversations were  
13 recorded. I listened to a recording provided by NSIBOs, and based on my interview  
14 of FRANKLIN on August 31, 2018, I was able to identify the caller's voice as  
15 belonging to FRANKLIN.

16 During a recorded telephone call with the UC on August 30, 2018 at 8:57pm  
17 FRANKLIN told the UC the following (the following transcription does not contain  
18 everything stated during the 10 minute phone call):

19	FRANKLIN	So you want me to pick you up.
20		
21	UC	Yea, you said you in Reno though?
22		
23	FRANKLIN	Yea but I'm about to leave I'm leaving right now with my unc with
24	FRANKLIN	my unc. Do you feel me? He is about to go pick up his little bitch
25		

26 <sup>7</sup> Based on my training and experience, a "band" refers to \$1,000.00. FRANKLIN is stating that she can make \$500.00  
27 to a Band a night and her fee will not be hard to pay.

1		all the way in San Diego right now. Do you feel me? So on the
2		way back I was just going to come pick you up. Do you feel me?
3		And you could just slide back with me from Reno. You feel me?
4		And we can do our own shit. You feel me?
5	UC	Uhm you talkin' about going to San Diego first?
6	FRANKLIN	Yea that's cause he got to go there first. I mean on the way back I
7		could just pick you up you feel me.
8	FRANKLIN	Cause I don't want to pick you up and go all the way to San Diego
9		and then have to go all the way back. Do you feel me?

10 On August 31, 2018, several minutes before his arrest, FRANKLIN sent the  
 11 UC the following messages:

12	2018/08/31	05:43:06 AM	FRANKLIN	You gone send me an address
13	2018/08/31	05:43:22 AM	FRANKLIN	I need address first
14	2018/08/31	05:49:50 AM	FRANKLIN	Hello
15	2018/08/31	05:50:26 AM	UC	There's only one Walmart in Napa I
16				can walk there from my house
17	2018/08/31	05:51:06 AM	FRANKLIN	You ain't even answering the phone
18				how I'm suppose To Meet you there
19				baby
20	2018/08/31	05:51:43 AM	UC	I will answer I'm still m tha room.. n I
21				didn't get a call jus now
22	2018/08/31	05:52:10 AM	FRANKLIN	Like I just woke back up why I answer
23				earlier
24	2018/08/31	05:52:17 AM PDT	FRANKLIN	And you sure you gone answer
25				
26				
27				

1	2018/08/31	05:52:45 AM PDT	UC	Yesssssss got my fam still I. The
2				house rn

3           Based on FRANKLIN's arrest at approximately 5:55am on August 31, 2018,  
4 I believe that FRANKLIN was in San Diego or National City, California, in the  
5 Southern District of California, when he sent the final text messages to the UC.

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