

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

United States of America
v.

Case No. 20-MJ- 6472

Joseph Allen Wilcher

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 on or about 11/9/20-11/13/20 in the county of Rock Island in the
Central District of Illinois, the defendant(s) violated:

Code Section

18 U.S.C. 2422(b)

Offense Description

using facilities of interstate commerce, that is a mobile phone, connected to the Internet, did knowingly attempt to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years, to engage in sexual activity under such circumstances as would constitute a criminal act in violation of 18 United States Code, Section 2422(b)

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

s/Kurt Bendoraitis

Complainant's signature

SA Kurt Bendoraitis

Printed name and title

Sworn to me over the telephone and signed by me pursuant to Fed.R.Crim.P. 4.1

Date: 11/16/2020

s/Jonathan E Hawley

Judge's signature

City and state: Peoria, Illinois

Jonathan E. Hawley, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CASE NUMBER 20-MJ-6472
)	
)	<u>FILED UNDER SEAL</u>
JOSEPH ALLEN WILCHER)	
)	
Defendant.)	

CRIMINAL COMPLAINT

I, Kurt Bendoraitis, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Count 1
(Attempted Enticement of a Minor)

From on or about November 9, 2020 through November 13, 2020, the defendant,

JOSEPH ALLEN WILCHER,

in Rock Island County, Illinois, within the Central District of Illinois, and elsewhere, using facilities of interstate commerce, that is a mobile phone, connected to the Internet, did knowingly attempt to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years, to engage in sexual activity under such circumstances as would constitute a criminal act in violation of 18 United States Code, Section 2422(b).

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation and have been since May 14, 2017. As part of my duties, I investigate violations of federal law, including the online exploitation of children, particularly in relation of violations of Title 18, United States Code, Sections 1591, 2251, 2252A, and 2422 which criminalize, among other things, the production, advertisement, possession, receipt, transportation of child pornography, individuals attempting to persuade, induce, and entice minors to engage in sexual activity, and underage prostitution. I have gained experience in the conduct of such investigations through training in classes and work related to conducting these types of investigations. Specifically, I have received training in the Online Sexual Exploitation of Children. I have been involved in multiple search warrants, arrests, and have conducted online chatting investigations in an undercover capacity. As a federal agent, I am authorized to investigate and assist in the prosecution of violations of laws of the United States, and to execute search warrants and arrest warrants issued by federal courts.

2. The statements contained in this affidavit are based on my personal knowledge as well as on information provided to me by other law enforcement officers. This affidavit is being submitted for the limited purpose of securing an arrest warrant, and I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Joseph Allen Wilcher committed violations of Title 18, United States Code, Sections 2422(b).

STATUTORY AND LEGAL AUTHORITY

3. This investigation concerns violations of Title 18, United States Code, Section 2422(b), relating to the enticement or the attempted enticement of minors to engage in prostitution or any sexual activity for which any person can be charged. Based upon my training and experience, as well as conversations with other experienced law enforcement officers and experienced federal prosecutors, I know the following:

- a. 18 U.S.C. 2422(b) prohibits using any facility or means of interstate commerce to knowingly persuade, induce, entice or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged, or attempt to do so.
- b. The internet is a facility of interstate commerce.

Definition of Terms

4. The following terms used in this affidavit have the indicated meaning in this affidavit:

- a. The term “minor” is defined at 18 U.S.C § 2256(1) as any person under the age of eighteen years.
- b. The term “sexually explicit conduct” is defined at 18 U.S.C. § 2256(2)(A) as actual or simulated – (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or anal-oral, whether between person of the same or opposite sex; (ii) bestiality, (iii) masturbation; (iv) sadistic or masochistic

abuse; or (v) lascivious exhibition of the genitals or pubic area of any person.

- c. The term “computer” is defined as set forth in 18 U.S.C. § 1030(e)(1).

Investigation

5. On approximately November 09, 2020, an FBI Online Covert Employee (OCE) was conducting an undercover investigation on a mobile dating application to identify people attempting to sexually exploit minors. The mobile dating application allows users to see other users in a geographic location near them and to directly message another user. The mobile dating application also allows users to have a profile which can include age, likes, dislikes, interests, and other categories. All users must state their age as at least 18 years old. A user later identified as Joseph Allen Wilcher (SUBJECT) directly messaged OCE’s profile. The conversation moved to text messages with the subject using telephone number 319-350-0655. Below is an excerpt from that conversation:

SUBJECT: Let trade a pic

SUBJECT: Make sure we talking to right people

OCE: (Sends picture of confidential human source)

SUBJECT: Your are such a cutie

SUBJECT: (Sends picture of a males face)

SUBJECT: Cant wait to meet up

SUBJECT: What you up too

OCE: School..boring!

SUBJECT: You doing virtual

OCE: Yesssss

SUBJECT: Gotcha. So how someone as cute as you don't have a boyfriend

OCE: 2 much drama with boys lately

SUBJECT: Whats the oldest guy you been with

OCE: 39

SUBJECT: Did you like it

OCE: IT was a gud time yes

SUBJECT: So u have any fun pics

SUBJECT: SO you want me to come see you this weekend

OCE: Sure but u have to pick me up

SUBJECT: Then we come back to my house

OCE: Kk

OCE: Wait until my parents leave ok?

Subject: What tonight or this weekend

OCE: Friday

SUBJECT: How long they gone for

OCE: Friday to Sunday

SUBJECT: Could I see a pic of that little booty

The conversation continued on November 10, 2020. Below is an excerpt to that conversation:

SUBJECT: So are you looking for something real??

OCE: Not really I'm only in high school but lets see where it goes

The conversation continued on November 12, 2020. Below is an excerpt to that conversation:

OCE: Babe I want to be honest don't get mad. I'm 15

SUBJECT: Oh yeah

OCE: Yeah

SUBJECT: So why was u on that app

SUBJECT: Just curious

OCE: Like I said just looking to hook up

SUBJECT: Could get in a lot of trouble

SUBJECT: Could be a set up too

SUBJECT: How could you reassure

OCE: Im not a bitch, its not like that at all, its only sex

SUBJECT: How would we even meet up.

SUBJECT: To even know if you are real

SUBJECT: Can we video chat later

OCE: Sure but gotta make sure mom isn't around

SUBJECT: I just want to make sure you real

SUBJECT: So are you a virgin

OCE: Nope

SUBJECT: Have you been with a blk guy

OCE: I haven't but excited

SUBJECT: How excited

OCE: Very

SUBJECT: Like how, tell me how it makes you feel

OCE: Excited n nervous at the same time

SUBJECT: Y nervous

OCE: more like anxious

OCE: How big r u?

SUBJECT: Above average

SUBJECT: How big are your tittys

OCE: Not very. B

SUBJECT: Well I like small tittys and little ass

OCE: Check n check

SUBJECT: I just hope this isnt a set up. That's what I'm nervous about now

OCE: No way babe, I'm not like that. U better not say anything either

SUBJECT: I won't. I hate any drama

SUBJECT: I feel a connection that happens with people let it happen

SUBJECT: I want to video chat

OCE: Find me on meet me

OCE: I'll just call, k?

SUBJECT: Call me

SUBJECT: I think we should talk

OCE: Sorry bout that

SUBJECT: Its fine

SUBJECT: I glad you called tho

SUBJECT: If u send me a pic of your tittys , I'll send you a pic of me

OCE: Ive done that wit other guys n they jerk n run soooo fake. I'm all real

SUBJECT: Show me you and send me a pic. I'm real too

SUBJECT: IF you want this you gonna have to prove it to me Only way this will happen

OCE: (Sends non-pornographic photo of confidential human source)

SUBJECT: I dont plan on ghosting you. But I really like that pic

SUBJECT: I'm very interested

SUBJECT: I want to see your nips

SUBJECT: DO you get real wet

SUBJECT: are you wet now

OCE: I get real wet but talk doesn't do it

SUBJECT: What time they leaving tomorrow

OCE: I think 4 or 5

SUBJECT: Are they going far

SUBJECT: Just wondering if should get a motel room

OCE: Chicago u 2 u

SUBJECT: Coo. I just don't want them to pop in on us

SUBJECT: I'd like to fuck all night long

SUBJECT: Can I see a pic of that tiny booty

SUBJECT: Have you done anal???

OCE: Tomorrow

SUBJECT: I liked to see it tonight

SUBJECT: You gotta prove you want this too

OCE: Bet u wud

SUBJECT: Yes I would

SUBJECT: Can I see it

SUBJECT: So how big of a dick you had

OCE: I haven't measured...lol none were small

On November 13, 2020 at 10:32 AM, the Subject messaged OCE, via text message.

The following is an excerpt from that conversation:

SUBJECT: So this is a real thing. Like you no cop. Trying to lock someone up

SUBJECT: Hell no, this totally is real babe

SUBJECT: So not no cop right

OCE: No I'm not a cop

SUBJECT: :) cant wait to see you. Touch you

OCE: Me 2 babe

SUBJECT: Send me a pic

SUBJECT: (Sends picture of an erect penis)

SUBJECT: What you want to do with that

OCE: Suk it....lol

SUBJECT: How long you gonna suck on it

OCE: Until u cum duh

SUBJECT: Lol

SUBJECT: We fuckin all night

OCE: Hope so

SUBJECT: Lol

SUBJECT: What's your favorite position

OCE: Doggy hbu

SUBJECT: Same. I have e a lot different ways too

SUBJECT: Yes I'm just nervous if it's an set up is all

OCE: Its not babe promise

SUBJECT: Show you really mean what you say and let me see a booty pic

OCE: Your not for real then its fine

SUBJECT: So I about to leave. Where am I heading too

OCE: (Sends minors address located in Rock Island, IL)

SUBJECT: Do you live in the country

OCE: I'm by all houses but some are close by

SUBJECT: Gotcha

SUBJECT: I'm pretty close

OCE: Yes

SUBJECT: I think I'm here

OCE: I dont see u

SUBJECT: I'm down street. Wanted to see if you would walk out to me me first

SUBJECT: But I don't want to park in front of your house

OCE: Kk I'll come to the door

OCE: I went out the door and didn't see anyone where u want me to walk to

SUBJECT: Walk to corner and I'll flash my lights

OCE: I'll go to the end of my driveway.

SUBJECT: You street is really dark lol

OCE: Yes it is flash ur lights

6. On November 13, 2020, at approximately 6:50PM, Special Agents and Task Force Officers observed a Dark SUV drive through the area of the target location in Rock Island, IL multiple times. The vehicle parked down the street from the target location. After the vehicle parked the OCE received a text messages the Subject was parked down the street. The subject asked for the OCE to come outside and he would flash his lights to let the OCE know he was in there. A confidential human source went outside and the Dark SUV flashed its lights.

7. After the Dark SUV flashed its lights, Special Agents and Task Force Officers, arrested the driver of the vehicle at approximately 7:00PM. The driver was transported to the target location where an interview was attempted. The driver matched the description of the male in the photographs sent from Subject. The driver identified himself as Joseph Allen Wilcher, date of birth was June 29, 1981. After being

read his Miranda Warnings Wilcher requested that a lawyer be present for the interview. The interview was then terminated.

Conclusion

8. Based on the foregoing, I submit that there is probable cause to believe that between November 09, 2020 and November 13, 2020, Joseph Allen Wilcher, using a facility and means of interstate commerce, his cellular telephone to access the Internet, knowingly attempted to persuade, induce, and entice an individual who had not attained the age of 18 years, to engage in a sexual activity for which a person could be charged in violation of 18 U.S.C. 2422(b).

FURTHER AFFIANT SAYETH NOT.


s/Kurt Bendoraitis

Kurt Bendoraitis, FBI Special Agent

Sworn to me over the telephone and signed by me pursuant to Fed.R.Crim.P. 4.1 and 4(d) on this 16th day of November 2020.


s/Jonathan E Hawley

JONATHAN HAWLEY, Magistrate Judge

United States District Court