



United States District Court

NORTHERN DISTRICT OF

UNITED STATES OF AMERICA

V. CRIMINAL COMPLAINT

ANDREW DALE McKEE

CASE NUMBER: 3-12-MJ-197-BH

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief that from on or about April 20, 2012 through on or about April 26, 2012, in Dallas Division of the Northern District of Texas, defendant,

using a facility or means of interstate or foreign commerce, knowingly attempted to persuade, induce, and entice a person who had not attained the age of 18 years of age, to engage in sexual activity for which any person can be charged with a criminal offense,

in violation of Title 18, United States Code, Section(s) 2422(b).

I further state that I am a(n) Detective with the Garland Police Department (GPD) and that this complaint is based on the following facts:

See attached Affidavit of Detective C.A. (Tony) Godwin, (GPD) which is incorporated and made a part hereof by reference.

Continued on the attached sheet and made a part hereof: X Yes No

Signature of Complainant: C.A. (Tony) GODWIN, Detective, GPD

Sworn to before me and subscribed in my presence, on this 1st day of May, 2012, at Dallas, Texas.

IRMA C. RAMIREZ UNITED STATES MAGISTRATE JUDGE Name & Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

Affiant, C.A. (Tony) Godwin, a detective with the Garland, Texas Police Department, being duly sworn, does hereby depose and state:

1. I am a detective with the Garland, Texas Police Department. I have been employed with the Garland Police Department for over seventeen years. I am a member of the Internet Crimes Against Children (ICAC) Task Force and am responsible for investigating cases involving the sexual exploitation of children in Garland, Texas, which is in the Northern District of Texas. I have received training in the area of child exploitation, and as part of my duties, I have conducted numerous investigations involving online solicitation/enticement of minors, including those involving real children and those in which I posed as a child online in proactive investigations. I also have participated in training in the investigation of online solicitation and federal enticement cases, in which computers and other electronic media are used as the means for persuading, inducing, and/or enticing minors to engage in unlawful sexual activity, in violation of 18 U.S.C. § 2422(b).

2. This affidavit sets forth facts and suggests reasonable inferences from those facts, establishing that there is probable cause to believe that from on or about April 20, 2012, through on or about April 26, 2012, in the Northern District of Texas, Andrew Dale McKee, using a facility or means of interstate or foreign commerce, knowingly attempted to persuade, induce, and entice a person who had not attained the age of eighteen (18) years of age, to engage in any sexual activity for which any person can be charged with a criminal offense, in violation of 18 U.S.C. § 2422(b).

3. I am familiar with the information contained in this Affidavit based upon the

investigation I have conducted and based upon my conversations with other law enforcement officers who have participated in this investigation and engaged in numerous investigations involving online child enticement. Because the purpose of this Affidavit is to establish probable cause, not every relevant fact known to me, or to other investigators, is included herein. Rather, I have set forth only those facts that I believe are necessary to establish probable cause to believe that a violation of 18 U.S.C. § 2422(b) has been committed by Andrew Dale McKee.

BACKGROUND OF THE INVESTIGATION

4. On April 23, 2012, I received a report that a fourteen-year-old female, Jane Doe, had been contacted on April 20, 2012, by individual, later identified as Andrew Dale McKee, through the social-networking website, Facebook. Specifically, Jane Doe informed the police that on April 20, 2012, she received a Facebook "friend request" from someone she did not know by the name of Andrew McKee, which she accepted. After the request was accepted, McKee then "messed" Jane Doe, but she did not respond. Jane Doe's Facebook page was public. It displayed her true birth date, middle school, and cell phone number.

5. On April 23, 2012, Jane Doe received an unsolicited text message from McKee. The exchange between Jane Doe and McKee is described below:

AM: This is andrew from Facebook

Jane Doe: Whose dis?

Jane Doe: Oh yea hi

AM: Put my name andrew under my number if u like

Jane Doe: Ha k

AM: So what girl do u know that will want 100 dollar

Jane Doe: Its nt easy

At this point an SMS picture text message titled "untitled" was sent by McKee and received by Jane Doe. The photo depicted an adult penis touching the opening of a vagina. Also depicted in the photo is a hand, with red nail polish on the fingernails, spreading the vagina to reveal its opening. The messaging continued:

Jane Doe: R u desperate

AM: How can u find one bc i know u got a lot of girl u know and in school

Jane Doe: Nah i dnt she said nahh

AM: Nah on what

AM: I be in garland some time tomorrow so find one

Jane Doe: Fine

Jane Doe assumed McKee was offering \$100 to her or to a willing friend to have sex.

Jane Doe told her parents and her school resource officer about the incident. The school resource officer called the Garland Police Department.

6. On April 23, 2012, I was assigned to investigate the case. I spoke with Jane Doe and her parents and requested permission to assume Jane Doe's identity via cell phone. They agreed. On April 24, 2012, in following up on McKee's last request to Jane Doe – that she find one of her friends who would be interested in having sex with him when he arrived in Garland the following day – I sent a text message from Jane Doe's phone to the listed suspect number (972) XXX-XX91, and the following exchange took place:

JANE DOE: you there

AM: ya fixin to pawn my phone

JANE DOE: wat u mean

AM: ya im here u find one yet

AM: u know and girl now

JANE DOE: think so ur serius rite

AM: yeap im for real

JANE DOE: yes

AM: how old is she

JANE DOE: 14 is tht cool

AM: yea that cool will she wear her short skirt

JANE DOE: so what that mean

AM: im fixin to pawn my phone for 3 days im getting back out

JANE DOE: i guess i can give u her phn number and u can ask

AM: will she wear her mini skirt

AM: will she let me put my dick in her pussy

JANE DOE: i guess she was interested

AM: ok that fine do she know

AM: do she got a pic

JANE DOE: im sure shes cute

AM: do she know about me

JANE DOE: ya i told her

AM: cool what she said

JANE DOE: she down if u serius

AM: ok cool what her number

JANE DOE: 214.686.4233 her name is britany

AM: ya im for real how and where will she want to go where we don't get caught

JANE DOE: i dunno ask her goof

AM: ok i will she texting now

JANE DOE: cool

AM: sent one with ur tits too

JANE DOE: too scared n im in school

AM: ya i know ur be ok with me im a very good sweet person

JANE DOE: nice

AM: can i put my dickin ur pussy

JANE DOE: ive never done nuthin

AM: you want to try it

JANE DOE: if you do

AM: ok that's cool

JANE DOE: if u do

AM: if i do what baby

AM: ur hot love ur pic can i see ur full pic and tits

At this point, McKee sent Jane Doe the same SMS picture text message titled "untitled" that he sent her the day before, on April 23, 2012.

AM: im on my way to the pawn shop pawn my phone im getting it back out in 2 or 3 days i will text you let u know im ready to do this

JANE DOE: ok thats cool

JANE DOE: not now silly you just asked

JANE DOE: u just asked if i wanted to hook up didnt u?

AM: ya sure will u wear a short mini skirt

JANE DOE: ummm i got a few

AM: sure how short ur mini skirt

JANE DOE: prty short

AM: are u want to watch or what

JANE DOE: wuld tht be cool

AM: ya u will watch she want me to fuck her tight pussy and pop her churry

JANE DOE: cool

AM: will u like that

JANE DOE: ya wuld u

AM: ya sure will u have ur legs wide open and ur thong pull down

JANE DOE: wuld u lk tht

AM: ya sure do love that will u do it

JANE DOE: ya

AM: relly are u for real

JANE DOE: yes r u

AM: will u finger ur pussy too

JANE DOE: hu?

AM: will u set on the same bed with us close by

JANE DOE: sure

AM: yes im what

AM: cool will u suck my dick while im eating her pussy

JANE DOE: wuld u lk tht

AM: sure I wuld love that

JANE DOE: hmmm

AM: im bout there to the pawn shop if i stop texting my phone out

JANE DOE: ok

AM: can i fuck ur pussy too

JANE DOE: lol ur silly

AM: ya I know

AM: sent my pic to ur friend bc my pic not going to her phone

JANE DOE: u only sent that one of the weenie

AM: i want to pound bouth pussy

JANE DOE: i bet

AM: ohh ok sent that to her

AM: ok

7. Nearly contemporaneous with Jane Doe giving McKee Britany's cell phone number, I, as Britany, texted McKee the following from my undercover phone,

The following exchange took place:

Britany: hey how are u?

AM: ur friend gave me ur number

AM: im good and u
Britany: great
AM: u got a pic of u i can see
Britany: ya do uu
AM: im 35 is that ok
Britany: ya if ur cool n wont hurt me
AM: good how old are you
Britany: 14 is tht cool
AM: ya i got a pic
Britany: wheres urss

At this point, I sent McKee, via text, a photo of a real 14-year-old girl. In conducting undercover investigations, I use photos of a female, who is now an adult, that were taken when she was 14-years old. The exchange continued:

AM: im good i dont hurt girl im a loven persom
Britany: i lk tht
AM: ya im cool with that
AM: can i put my dick in ur pussy
Britany: hmmm i dunno
AM: i sent u my pic
Britany: i didnt get it
AM: ty
AM: i sent it
Britany: ook ty
AM: ok i sent it let me resent it
Britany: still aint got urs
AM: ur welcome can i see a pic of ur tits babe
AM: polz so i can see how nice it is
Britany: mayb
AM: can u wear a short mini skirt
Britany: ya tht i can do
AM: plz for me
AM: how short ur mini skirt
Britany: how short u want
AM: my pic slow some reason
Britany: guess so
AM: really short where u bend over i can see ur ass and thong
Britany: ok tht cool
AM: ok ur friend want to watch
Britany: oh ya tht cool with u
AM: she want me to pop ur churry

Britany: u want to

AM: i got a 8 inch dick will it hurt

Britany: it will

AM: ya sure

AM: will u moan or scare

Britany: scare what u mean

AM: i mean scarm

Britany: im confused

AM: will u moan or scream

Britany: oh ya i get it ya

AM: im about to pawn shop i text soon i get out of pawn so dont forget about me

Britany: when u think n y u doin that

AM: ya wat u get on wat part

Britany: way tht mean

AM: be thinking of me soon i get my phone out in 3 day i let u know when im ready

Britany: what up with that

AM: y im doing what

Britany: pawning ur phone

AM: im pawning my phone till i have money in 3 day

Britany: money for wat

AM: can i cum in ur pussy

Britany: i dont think so im only 14 wat if i got preg

AM: im getting cig money till my money come in

Britany: wat is cig money

AM: so i can have cig money it just for 3 or 2 day that all

Britany: ok

AM: cig

AM: what u want me to cum at

AM: im here now i tell u later when i get my phone out

AM: love u babe

Britany: love u to

AM: plz dont forget keep me in mind

8. In the initial stages of the investigation, urgent requests for account and subscriber information had been sent to T-Mobile and Facebook for McKee's cell phone number and Facebook account/page. On April 24, 2012, information from T-Mobile and Facebook confirmed that the individual purporting to be Andrew McKee was using the cell phone and Facebook account under the same name, Andrew McKee.

I also located an Oklahoma driver's for McKee and compared the driver's license photo with the profile picture/photo posted online on McKee's Facebook page. I concluded that the photos depicted the same individual.

9. From April 24, 2012, through April 26, 2012, McKee and Britany exchanged text messages, during which McKee repeatedly suggested they meet in-person to engage in unlawful sex acts, and Britany provided him with her address in Garland, Texas, an undercover apartment complex on W. Buckingham Road, Garland, Texas. On April 26, 2012, very early in the morning, I, as Britany, received several text messages from McKee, who indicated he was "on his way." Below is an excerpt of the text messaging between McKee and Britany that morning:

AM: I be there in 30 min

Britany: k

AM: ok babe im waiting on blue line now (9:28 am)

Britany: k

AM: how long will it take u go get home babe

Britany: in shower one sec

AM: ok cool I be there about 10:05

Britany: k

AM: what ur tits size and don't wear ur bra with ut tank top just tank top and ur mini skirt

AM: im on the train now heading that way (9:43 am)

AM: 8 more I be there

AM: what ur tits size

AM: soon I get done I got go pawn my phone

Britany: k

AM: what ur tits size

AM: what u doin now

Britany: chngin clothes

AM: ok babe

Britany: wat u wearin bby

AM: what u got on now babe

Britany: wat u asked for silly wat u got on

AM: my cut off shirt and blue jean

Britany: k

AM: with black shose

AM: when we go to ur room set down with ur legs wide open then just lay back

Britany: hmmm

AM: ok im got on loose blue jeans ans cut off shirt babe

Britany: sounds hot

AM: will u do that babe

AM: is ur thong on babe I got 3 more stop I be there

Britany: ok

AM: yeap do u knowhow get horny baby

AM: when u lay down rub ur pussy while I pull my pant and boxer down

AM: have u ever seen a dick beford

Britany: not in reel life

AM: awww

Britany: is tht bad

AM: I will start off rubbing my dick on ur legs

Britany: hmmm k

AM: nope u will see my dick in person finaly

AM: I got 10 min I be at the train station

McKee explained that he would be riding the DART Train from downtown Dallas to the Downtown Garland Station and then get on bus number 400, which stops at the corner of N. Glenbrook and W. Buckingham Road, Garland, Texas. This is just over a mile from the undercover address. McKee said that he would walk to the gas station convenience store and await her arrival so they could then have a sexual encounter at her apartment.

10. Prior to his arrival at the prearranged meeting location, McKee indicated he was going to walk instead of ride the bus. He asked Britany if she would meet him halfway. In response, I suggested a new location at the corner of Glenbrook and Travis. At approximately 11:00 a.m., McKee arrived at the convenience store, as indicated. McKee was arrested and transported to the Garland jail. He agreed to speak with law enforcement.

11. The interview was audio and video taped. After confirming that he could


read and write English, McKee read a written *Miranda* form aloud, waived his rights, and agreed to speak with Detective Godwin without an attorney. Among other things, McKee admitted that he had communicated through the Internet and cell phone with a minor female. McKee also admitted that the chat and text sessions were very graphic and sexual in nature, and he acknowledged that he had offered to pay the minor female, or one of her friends, for sex. However, McKee claimed that he would not have actually performed any sex acts on the minor female if she had arrived at the meeting.

12. In the State of Texas, Sec. 22.011, Texas Penal Code, that is, Sexual Assault of a Child, makes it a crime to intentionally and knowingly engage in sexual intercourse, and other enumerated sex acts, with a child under 17 years of age.

CONCLUSION

13. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that from on or about April 20, 2012, through on or about April 26, 2012, in the Northern District of Texas, Andrew Dale McKee, using a facility or means of interstate or foreign commerce, knowingly attempted to persuade, induce, and entice a person who had not attained the age of eighteen (18) years, to engage in any sexual activity for which any person can be charged with a criminal offense, in violation of 18 U.S.C. § 2422(b). I respectfully request that this Court issue a

warrant for Andrew Dale McKee's arrest.


#3026

Detective Tony Godwin
Garland Police Department

Subscribed and sworn before me
this 1st day of May, 2012



Irma C. Ramirez
United States Magistrate Judge