AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America
v.
Nicholas Robert Davis

Case No. 5:24-mj-1202-PRL

SEALED

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 July 24, 2024 in the county of Marion in the Middle District of Florida, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1470	knowingly transferring or attempting to transfer obscene matter to a minor

This criminal complaint is based on these facts:

See attached affidavit

☑ Continued on the attached sheet.

Complainant's signature

HSI SA Jon Bergevin
Printed name and title

Sworn to before me over the telephone or other reliable electronic means and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d).

Date: August 20, 2024

Judge's signature

City and state: Ocala, Florida

U.S. Magistrate Judge Philip R. Lammens
Printed name and title

STATE OF FLORIDA **CASE NO. 5:24-mj-1202-PRL**

COUNTY OF MARION

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jon Bergevin, being duly sworn, do hereby state the following:

1. This affidavit is submitted in support of a criminal complaint against Nichols Robert DAVIS, for a violation of 18 U.S.C. § 1470 (knowingly transferring or attempting to transfer obscene matter to a minor). As set forth in more detail below, there is probable cause to believe that on July 24, 2024, DAVIS transferred obscene material to another individual whom he believed to be only 13 years of age.

5. I am a Special Agent (SA) with the United States Department of Homeland Security (hereinafter DHS), Homeland Security Investigations (hereinafter HSI). I am currently assigned to the HSI office in Gainesville, FL, working in Marion County, in the Middle District of Florida. I have been assigned as a Special Agent since December 2017. Prior to HSI, I was employed as a Special Agent with the New Mexico Attorney General's Office. During this time, I have conducted and assisted with multiple investigations related to the possession, receipt and distribution of child pornography and other offenses involving the exploitation of children. I have attended training at the Federal Law Enforcement Training Center (FLETC). I have also received specific training in the investigation of internet crimes against children. As a special agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

6. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of a criminal complaint, I have not set forth each and every fact learned during the course of this investigation.

PROBABLE CAUSE STATEMENT

7. On July 24, 2024, I was conducting an undercover operation posing as a 13-year-old female (UC). While conducting the operation I was physically located in Marion County, Florida, within the Middle District of Florida. An individual with a username "Zealousideal-Type30" (later identified as DAVIS) reached out to me on the social media/chat platform Reddit. DAVIS identified himself as a 30-year-old male living in Ocala, Florida. The UC responded that she was a 13-year-old female living in Florida. The UC told DAVIS she was younger than him. They discussed age with DAVIS telling the UC, "Persuade me.. how old are you really then?"

8. The UC asked if they could chat on Snapchat or Telegram. DAVIS asked for the UC's Snapchat and then told the UC he added her. An account with the display name "Nick," username nicnocturnal013, contacted the UC's Snapchat account. On Snapchat, DAVIS told the UC, "Hey.. so persuade me.. what's your real age." The UC told DAVIS she was 13. DAVIS acknowledged the UC's age and asked why she would want someone significantly older.

9. During the communication DAVIS told the UC, "I get it but if you are actually who you say you are you gotta understand that I'm at risk too. Not only with the law but with everything. I would appreciate if you could send me a live pic

or video telling me your age. We both need to be extremely cautious if you're this person."

10. DAVIS told the UC he had his own place, and the UC should see it. DAVIS asked the UC if she knew where the 484 was, he stated he lived down that way by Belleview. DAVIS also asked the UC what she would want to do if he came to pick her up. DAVIS told the UC he would like to show her a few things she might be interested in doing and stated he was more of a hands-on teacher.

11. An undercover (UC) Marion County Sheriff's Office (MCSO) Detective placed a video call to DAVIS on Snapchat. During the video call, the MCSO detective advised me that DAVIS had exposed his penis to her. After the video call DAVIS asked the UC, "Did you like what you saw?"

12. The communication between DAVIS and the UC continued. DAVIS described the feeling leading up to an orgasm to the UC. The UC asked if he could make her feel like that, and how he would make it feel like that. DAVIS replied, "Sliding my cock deep inside your Virgin pussy.. teasing your clit with the head of my dick, fingering you and licking it. Bending you over my counter top and make you take it from behind while I pull your hair just a little bit." DAVIS told the UC he was a "pleasure dom." DAVIS also told the UC, "I'm honestly still so nervous.. I lost my virginity at 13 to.." DAVIS and the UC continued to discuss sex and potentially meeting. DAVIS told the UC he was off early on Friday and could get her then.

13. As the communication continued DAVIS told the UC he was still hard even though he made himself cum thinking about the UC sitting on his face. The UC asked if it was hard like when he showed her. DAVIS said it was still hard like that and asked if the UC wanted to see it again. DAVIS sent the UC a video of himself masturbating on Snapchat. In the video a fully exposed penis is visible, and a hand is touching the penis.

IDENTITY

14. HSI served Reddit a summons requesting information associated with the Zealousideal-Type307 account. Reddit responded that the associated e-mail address was onyxwing1352@gmail.com. On July 24, 2024, the IP address 68.202.187.252 appeared in the Reddit IP logs.

15. HSI served Snapchat a summons requesting information associated with the niconcturnal013 Snapchat account. Snapchat responded that the associated e-mail address was onyxwing13@aol.com. The account creation IP address was 68.202.187.252. The account display name was "Nick."

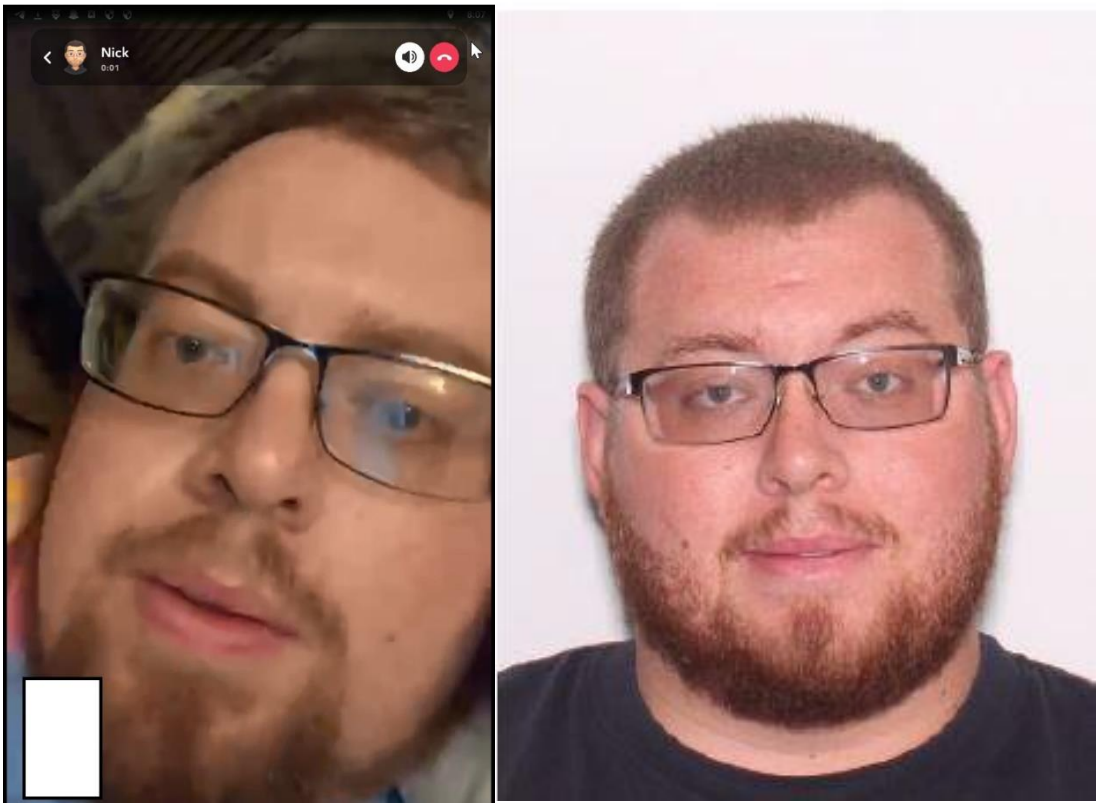
16. HSI served Google a summons requesting information on the onyxwing1352@gmail.com Google e-mail account. Google responded that the name associated with the account was "nick davis." The alternate/recovery e-mail was onyxwing13@aol.com.

17. HSI served Charter Communications a summons requesting information on IP address 68.202.187.252. Charter Communications replied that the

subscriber name was under the last name of DAVIS, with the service address at a specific residence on SW 32nd Terrace Rd, Ocala, FL.

18. A search of the Florida Driver and Vehicle Information Database (DAVID) revealed a driver's license record for Nicholas Robert DAVIS. His listed address matched the service address SW 32nd Terrace Rd, Ocala, FL. The address is approximately half a mile south of 484, near I-75. This is consistent with the description DAVIS provided the UC.

PHOTOGRAPHS



(Above left, screenshot from a Snapchat video call between the UC MCSO Detective and DAVIS. Above right, Nicholas Robert DAVIS - Florida driver's license photograph.)

CONCLUSION

19. Based on the above, I submit that there is probable cause that DAVIS transferred obscene matter to another individual who he believed to be 13 years old, in violation of 18 U.S.C. § 1470.

Jon Bergevin, Special Agent
Homeland Security Investigations

Affidavit submitted to me by reliable electronic means and attested to me as true and accurate by telephone or other reliable electronic means consistent with Fed. R. Crim. P. 4.1 and 4(d) before me this 20th *day of August 2024.*

The Honorable Philip R. Lammens
United States Magistrate Judge