
UNITED STATES DISTRICT COURT
HELENA DIVISION, DISTRICT OF MONTANA

UNITED STATES OF
AMERICA

CRIMINAL COMPLAINT

v.

MJ 10-07-H- CSO

ANTHONY STEVEN
RODRIGUEZ, and

CONSPIRACY TO SEXUALLY
EXPLOIT CHILDREN (Count I)

18 U.S.C. § 2251(a)

Penalty: Mandatory minimum 15 to
30 years imprisonment, \$250,000 fine,
and 5 years to lifetime supervised
release

ROBERT SHANE WILKINS,

SEXUAL EXPLOITATION OF
CHILDREN (Count II)

18 U.S.C. § 2251(a)

Penalty: Mandatory minimum 15 to
30 years imprisonment, \$250,000 fine,
and 5 years to lifetime supervised
release

DISTRIBUTION OF CHILD
PORNOGRAPHY (Count II)

18 U.S.C. § 2252A(a)(2)

Penalty: Mandatory minimum 5 to 20
years imprisonment, \$250,000 fine,
and 5 years to lifetime supervised
release

PENALTIES ARE ENHANCED FOR
PRIOR QUALIFYING
CONVICTIONS

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

COUNT I

That in December 2010, in the State and District of Montana and elsewhere including Georgia and Alabama, the defendants, ANTHONY STEVEN RODRIGUEZ and ROBERT SHANE WILKINS, did knowingly conspire and agree to employ, use, persuade, induce, entice, and coerce a minor, to wit: a ten year old boy, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce; knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported using any means and facility of interstate and foreign commerce in violation of Title 18, United States Code, Section 2251(a), (e).

COUNT II

That from December 3-6, 2010, at Helena, in the State and District of Montana, the defendants, ANTHONY STEVEN RODRIGUEZ and ROBERT SHANE WILKINS, used, persuaded, induced, enticed or coerced a minor (name withheld to protect victim's privacy, d/o/b --/00), to engage in, or had a minor assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, if such person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce, or mailed, or if that visual depiction was produced using material that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported in interstate or foreign commerce or mailed, in violation of 18 U.S.C. § 2251(a).

COUNT III

That on December 3-6, 2010, at Helena, in the State and District of Montana, and elsewhere, the defendants, ANTHONY STEVEN RODRIGUEZ and ROBERT SHANE WILKINS, knowingly distributed child pornography by using any means or facility of interstate and/or foreign commerce, being the internet and computer, in violation of 18 U.S.C. § 2252A(a)(2).

I further state that I am a Special Agent with the FBI and that this complaint is based on the following facts:

see attached affidavit

(X) Continued on the attached sheet and made a part hereof

David J. Verthale
Signature of Complainant

December 16, 2010
Date

Billings, Montana
City and State

Carolyn S. Ostby, Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer



UNITED STATES OF AMERICA } ss.
DISTRICT OF MONTANA }
I, PATRICK E. DUFFY, Clerk of the United States District Court for the District of Montana, hereby certify that the above and foregoing is a true copy of the original now on file in my office.
Witness my hand and seal this 16th day of Dec., 2010.
PATRICK E. DUFFY, Clerk
[Signature]
Deputy

AFFIDAVIT OF Daniel T. Vierthaler

(Continued from Criminal Complaint)

Affiant is a Special Agent with the Federal Bureau of Investigation, assigned to Billings, Montana.

On December 6, 2010, law enforcement in Helena, Montana, received a phone call from a mother concerned about her ten year old son's computer activity in Helena. She reported that, unbeknownst to her, the child had created a YouTube account used to socialize with others via the internet. Law enforcement received permission to take over the child's account, and found that a user "funandfreaky 7", distributed numerous videos to the child that were child pornography, ie, children engaged in sexually explicit conduct. "Funandfreaky 7" pretended to be a preteen girl sending videos of "herself" and asked the boy to do the same. The movies sent to the boy were of children engaged in sexually explicit conduct and they were sent via computer and the internet.

"Funandfreaky 7" asked the Helena child to produce images of himself engaged in sexually explicit conduct and continued to distribute videos of the same to him over several days from December 3 through 6, 2010.

When interviewed, the child reported that he had received a 'friend' request from "funandfreaky 7" asking to be friends and sending him a video of a preteen girl shown with her pants down exposing her vagina. The child made several videos of himself pulling up his shirt and pulling down his pants at "funandfreaky 7"'s request. "Funandfreaky 7" pretended to be a female preteen and the two conversed for a period of time. The child admitted making sexually explicit videos of himself and sending them to "funandfreaky 7".

Law enforcement was able to identify "funandfreaky 7" as

Anthony Scott Rodriguez and Robert Shane Wilkens, not eleven year old girls but a pair of adult men, one in Alabama and one in Georgia who both accessed the "funandfreaky 7" account while the child pornography was distributed and who used the child in Helena to produce child pornography images. Search warrants were served on each residence on the morning of December 16, 2010.

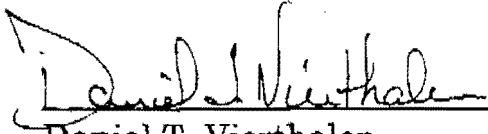
Rodriguez was interviewed and confessed to communicating with "mrslyfan98" on the "funandfreaky7" account, admitted to asking for videos of children engaged in sexually explicit conduct, admitted distributing child pornography via the account and admitted to providing "mrslyfan98" access to the "funandfreaky7" account so that "mrslyfan98" could upload the sexually explicit videos of the children to the account and agreed with "mrslyfan98" to use children to have them self produce sexually explicit videos. Rodriguez believed "mrslyfan98" to be an individual who resided in Alabama. Rodriguez is a convicted sexual offender, currently on state supervision for enticing a child for indecent purposes.

Wilkens was interviewed and confessed to being "mrslyfan98", communicating with Rodriguez on the "funandfreaky 7" account, admitted to asking for videos of children engaged in sexually explicit conduct, admitted distributing child pornography via the account by uploading those videos to the account to be distributed to kids, and admitted agreeing with Rodriguez to use children to have them self-produce sexually explicit videos. Numerous items of computer equipment was seized, including computers that Wilkens admitted would contain child pornography videos including those of the Helena child whom he recognized.

Rodriguez and Wilkens used the internet and computers, instrumentalities of interstate commerce, to conspire to sexually exploit the Helena child, to actually sexually exploit the Helena child by using him to produce child pornography videos and by distributing child pornography videos to him.

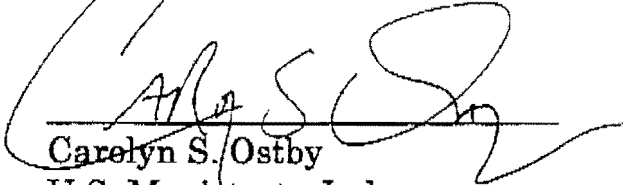
In Affiant's experience, the above listed facts constitute a violation of Title 18 United States Code Section 2251 and 2252A(a)(2).

DATED this 16th day of December 2010.



Daniel T. Vierthaler
Special Agent, FBI

SUBSCRIBED and SWORN before me this 16th day of
December 2010



Carolyn S. Ostby
U.S. Magistrate Judge