

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	1:19CR613-1
v.	:	
	:	
JOSEPH DANIEL ORAN	:	FACTUAL BASIS

NOW COMES the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

In March 2017, Alamance County Sheriff’s Office (ACSO) Detective (Det.) Zachary Neefe began an undercover operation on Kik Messenger. Det. Neefe created a Kik Messenger profile purporting to be a 13-year-old girl from Alamance County, North Carolina who attended a local middle school. The purpose of the operation was to identify and arrest individuals involved in the online sexual exploitation of minors.

In September 2017, the undercover Kik profile (the “UC”) was a member of several public Kik Messenger chat groups to which an early teenage girl might belong. On five consecutive days, starting on September 7, 2017, Kik user “bj369369369” direct messaged the UC “Hey”. On September 11, 2017, the UC responded. Between September 11, 2017 and October 31, 2017, user “bj369369369” and the UC exchanged at least 2410 messages. During the

exchange, user bj369369369 claimed that two different individuals were using the bj369369369 account. First, a 16 year-old and later the 16 year-old's purported adult brother. Early in the exchange, the UC alerted bj369369369 that she was a 13 year-old in middle school.

On September 13, 2017, bj369369369 directed the chat conversation to topics of a sexual nature. User bj369369369 then requested that the UC send him an image of her genitals. An excerpt from the chat follows:

bj369369369	Can I see down there
UC	Prolly if ur nice 2 me
bj369369369	Please
UC	Okay
bj369369369	I like you a lot your really sweet
UC	I no ur sweet 2
bj369369369	Thank you
bj369369369	Can I see down there
UC	Ohhh u mean like pictures
bj369369369 J	Just one and only for me to sre
bj369369369	See
UC	Like what part
UC	Remember mom has my camera settings locked somehow
bj369369369	Down there your pussy
bj369369369	Want to see my penis how big it is
UC	Oh ok
bj369369369	[An image depicting a male, naked from the waist down, holding an erect penis; the angle is such that the picture appears to have been taken by the male pictured]
bj369369369	Small or big to you
UC	Oh wow 😊 [Flushed Face emoji] is that u???
bj369369369	Yeah
UC	Wow nvr seen like a boys privates like that
bj369369369	Would you touch it

UC	How ? Im here and ur wherever silly 😜 (Winking Face With Tongue emoji)
bj369369369	If I came to see you
UC	Ya lol but u wood have 2 tell me what 2 do
bj369369369	Can I see your pussy
UC	I guess u cold if ur nice 2 me
bj369369369	Please can I see it now
UC	No cuz i cant take pics
bj369369369	Can you vid chat
UC	No it wont let me
bj369369369	When can we meet

Kik Messenger records revealed that the email address theoranfamily369@gmail.com was associated with user bj369369369’s account. Subsequent investigation would reveal that the email address was registered to a “J Oran.”

User bj369369369 and the UC discussed meeting in a park to engage in sex acts. User bj369369369 suggested that his older brother “Jamie” should be the one to engage in sex acts with the UC because “he’s a lot better at showing a girl how to feel good.” User bj369369369 then proceeded to encourage the UC to engage in sex acts with his “brother.” The purported brother, “Jamie”, took over the chat for a time before purportedly returning the phone. The chat continued to focus on topics of a sexual nature, including meeting to engage in sex acts. Eventually, “Jamie” purported to take control of the bj369369369 account and proceeded to make arrangements to meet the UC at a park. On October 13, 2017, the following exchanges took place:

bj369369369	Question is there a bathroom at the park
UC	Ya
UC	I have my same pic up on fb
bj369369369	Is there cams at the bathrooms at the park
UC	I dunno
UC	Dont think so
bj369369369	Can we go in the boys bathroom and you get naked and I take pics
UC	Ya as long as we can get 2 know each other 1st

.....

bj369369369	Sup
UC	Nm almost done with school
bj369369369	Cool
UC	Wbu?
bj369369369	Go to grand Ma's tomorrow
bj369369369	I'm running late today
UC	I can try
bj369369369	make it happen I really want to fuck your
UC	Ok ill try but be nice lol 😊 [Grinning Squinting Face emoji]
bj369369369	Lol
bj369369369	I want to take naked pics of you so bad
UC	Thx i think that wood be ok i just dont want them online but i trust u
bj369369369	What did you mean about we have to get to know each other first
bj369369369	What did you mean
UC	Like a introduction like hi im Bree nice 2 meet u but in person
bj369369369	Gotcha
UC	Yep 👍 [Thumbs Up emoji] 👍 [Thumbs Up emoji]
bj369369369	I want to take pics of u sucking on my penis
UC	Ok that wood be ok
bj369369369	Stay at your gmas house tonight I'll come first thing in the morning
UC	Ok ill try
UC	👍 [Thumbs Up emoji]
UC	What time do u want me 2 be ready?

bj369369369	Please make it happen will have so much fun
bj369369369	About 11 o'clock
UC	Ok ill try
UC	U gonna bring me flowers or something nice??
bj369369369	We can meet say hi hugging kiss and then we can go in the bathroom and I'll take pictures of you and then we'll go for a walk and I'll lay on when the picnic tables and stick my penis inside you

On October 14, 2017, user bj369369369 expressed reservations about meeting at the park. See the following excerpt:

bj369369369	I'm not sure if I want to go to the park it's kinda open
UC	Ok 👍 [Thumbs Up emoji]
bj369369369	Is there a store nearby
UC	Ya i think theres a gas station??
UC	And a church 2
bj369369369	Can't have sex there
UC	Prolly not
bj369369369	I was thinking we could use the bathroom at a store if there was one close by

On October 20, 2017, user bj369369369 informed the UC that he had access to child pornography videos on Dropbox. See the following excerpt.

bj369369369	Hey baby
bj369369369	I miss you
bj369369369	You at school
UC	Ya rn
bj369369369	I got some vids of girls your age having sex for the first time
bj369369369	It's really hot
bj369369369	Lol
UC	Oh wow

bj369369369	Grown man with a big penis popping those young girls cherry
bj369369369	I'm going to pop yours
UC	Like what u wanna do 2 me lol ?
UC	☺ [Grinning Squinting Face emoji]
bj369369369	Like the first time you have sex you will bleed a little it's called popping a girls cherry
UC	Oh ok
bj369369369	Do you use pads or tampons
UC	Both depends if im swimming tampons but pads r better usually
bj369369369	If you use tampons you could of put one in to far and popped it your self
bj369369369	Do you have Dropbox I could send you the link and you could watch the vids
UC	I dont have Dropbox but ive heard of it

On October 30, 2017, the UC and user bj369369369 agreed to meet on October 31, 2017 at a house in Graham, North Carolina. The following chat thread is from October 31, 2017 when user bj369369369 was en route to meet the UC:

bj369369369	Do you have to go to school after we're done
bj369369369	I was thinking we can hang out for a while
UC	Umm i dunno but i cant be here when Mom gets home and i prolly should go 2 at least 1 class so she doesnt get a automated call
bj369369369	Oh OK gotcha do you have a home phone
UC	No
bj369369369	Do you know your probably the youngest in smallest girl I've ever been with before
bj369369369	You're pretty tiny

UC	Oh ok is that bad??
bj369369369	No
bj369369369	You're so sexy
UC	Ohh ok 😊 [Smiling Face With Halo emoji]
bj369369369	Are you ready to become a woman
bj369369369	Today
UC	Im ready lol just nervous still but its a good nervous 2
bj369369369	Ok
UC	Tryin 2 let the good nervous be better than the bad nervous
bj369369369	Lol
bj369369369	I'm gonna need the address in a few miles
UC	Ok were r u now i just wanna make sure ur actually here and ill send u my house
UC	Im excited r we actually gonna do this wow
bj369369369	Yes
UC	Just its like so big 2 think about
bj369369369	Yeah
UC	😳 [Flushed Face emoji] 😊😊
bj369369369	What color dress do you have on
UC	Black and white its a special dress
bj369369369	What do you mean it's a special dress
UC	Cuz i hardly ever get 2 we're it
bj369369369	Oh
bj369369369	Is it easy to take off LOL
UC	Lol pretty much
UC	☹ [Upside-Down Face emoji] 😊 [Grinning Face With Big Eyes emoji] 😊 [Grinning Squinting Face emoji]
UC	Just checking on u
bj369369369	I'm still driving
UC	Oh ok
bj369369369	I didn't realize how long of a drive this is I think it's because I've been in traffic so long
UC	Well were r u u said u wood tell me the exit when u passed it and that was like along time afo
bj369369369	I'm 15 miles from Graham

bj369369369	That's what the GPS on my phone says my other GPS is taking me out of the way
UC	Ok??
bj369369369	When I get there will you meet me outside so I know where you live
UC	Duh ☐ [Face With Rolling Eyes emoji]
bj369369369	Ok
bj369369369	I didn't know because we talked about me just walking up and knocking on your door but it would be much easier if you were standing outside so that I could just look for you
UC	If u get here i mean good grief u must not be exited
bj369369369	Lol
bj369369369	I'm coming don't worry I don't want to get a ticket
UC	U can come up 2 the door and I'll let u in or just park like right next 2 the house
bj369369369	OK that's fine but meet me outside so I know where you're at I'll look for a black and white dress
UC	Im not standing on the porch in my dress like with it being 20 degrees out side
bj369369369	I'll text you when is soon as I am pulling up and then just come outside
UC	Ok well ill see u in the driveway
UC	Pull up or behind so ur not out by the road silly ☐ (Upside-Down Face emoji)
bj369369369	Ok
UC	We got a back porch that wood proly be more sneaky
bj369369369	Ok
UC	Im waiting
bj369369369	Ok hold your horses I'll be there shortly get it I said hold your horses LOL
UC	Haha 😊 [Grinning Squinting Face emoji]
bj369369369	Question what year were you born
UC	2004
bj369369369	Cool

bj369369369	When do you turn 14
UC	December
bj369369369	Well happy early birthday
UC	Thx 4
UC	It
bj369369369	No problem
UC	Were r u now??
UC	I gtg this js 2 much
UC	Sry im just super nervous
bj369369369	Come on I'm almost here I swear to god just hang on by 10 more minutes
bj369369369	When I get there will you give me a hug when I first woke up
bj369369369	Walk up
UC	Ya of course if u get here just so nervous
bj369369369	Please don't make me drive all this way and then don't see me
UC	Okay r u close??
bj369369369	What road did you say Main Street was off of Highway 87 or Highway 85
UC	87
bj369369369	It has me coming in off the highway 85
bj369369369	This is why I need your address so that I can just GPS straight to your house
UC	Ya 87 is main st
bj369369369	Oh OK
UC	Exit 147 on the map
UC	Were r u now and ill give u my address
bj369369369	Ext 152
UC	Just dont get in a accident!!
bj369369369	Well mile marker 152
UC	Ok i believe u
bj369369369	Can I have your address now
UC	My addrsss is 218 n maple st
UC	Graham NC
UC	I dunno my zip code
bj369369369	OK I'm putting it in my GPS
bj369369369	Brb
bj369369369	It says I'm 7 miles from your house

bj369369369	I'll text when I get like 2 miles from it
UC	Ok
bj369369369	When you go to school are you going to wear panties
UC	Im ready
UC	Nervous but ready
bj369369369	Lol
bj369369369	I'll be there shortly to give you a big hug
UC	Awww 😊 [Smiling Face With Smiling Eyes emoji]
UC	I will hug u back
bj369369369	I really like you
bj369369369	I'm afraid you're going to think I'm ugly
UC	Me 2
UC	No y wood i think that??
bj369369369	I don't know I just do
UC	Dont worry
bj369369369	Have you ever watched porn before
UC	No
UC	Lol ig im gonna be learning soon lol
UC	😂 [Face With Tears of Joy emoji]
bj369369369	When I get there do you want to watch some
UC	Um ok like dvd or what??
UC	We dont have a computer
UC	Just my ipad
bj369369369	No like on the Internet
UC	Oh maybe i dont want Mom 2 no
bj369369369	Do you want to watch porn with adults in it
bj369369369	Or kids and adults
UC	They make that with kids??
UC	I didnt no
UC	Like ive heard of sextant
bj369369369	Yeah like other people make it like other adults make it with kids and then they send it to people
UC	Sexting
bj369369369	It's against the law but they make it
UC	Oh wow ok
UC	U promise my pics wont go online tho??
bj369369369	Like the videos will have grown men and then young girls in it
bj369369369	Yea promise
bj369369369	You are all mine I don't want to share you

UC	Ok
UC	R u almost here?? ☐ [Upside-Down Face emoji]
UC	Hello??
bj369369369	Yeah I don't see your house
UC	Right next 2 the mexican roofing place
UC	Like rodriguez or something
bj369369369	Come out side please
bj369369369	I don't want to make you wait any longer
UC	No u gotta pull in im not coming out withkjt u here
UC	U made me wait
bj369369369	Please do me the fave please
UC	Tan house with red shutters
UC	Were r u??
bj369369369	Coming that way what door do I go too
UC	Front but like pull on the side or pull in the driveway
bj369369369	Ok
bj369369369	I'm turning around
UC	Oh ok
UC	A mail truck just went by
bj369369369	Ok
bj369369369	Can I come in the back door
UC	Ya if u want ig
bj369369369	Ok have the door open
nc_sax_girl	When u r here im just so nervous
bj369369369	I'm walking up now
UC	Were r u??
UC	I don't see u at all
UC	Hello??
UC	Were r u??

Simultaneously with the UC receiving the message from bj369369369, "I'm walking up now," Alamance County Det. Sergeant J. England observed a gray Mercury Grand Marquis park near the prearranged meeting location. Det. Sgt. England observed a tall white male, Joseph Daniel ORAN, exiting the vehicle. The individual looked at Det. Sgt.

England and then reentered the vehicle. The individual drove to a nearby car dealership, looked at trucks for a handful of minutes, and left. Det. Sgt. England observed that the vehicle's license plate was DKA-8797.

A query of the plate number revealed that it and the vehicle were registered to Joseph Daniel ORAN of Garner, North Carolina. Det. Neefe alerted the Johnston County Sheriff's Office (JCSO). JCSO detectives positioned themselves to surveil ORAN's residence. They observed ORAN approach his residence but then drive past. The detectives conducted a traffic stop. ORAN claimed that he had been in Hillsborough, North Carolina for a job interview and had returned home to take a family member to the doctor. The detectives detained ORAN near his residence and recovered an iPhone 6S from his person. ORAN was placed under arrest and invoked his right to counsel. He has been in custody since.

Forensic Analysis of ORAN's iPhone:

Homeland Security Investigations (HSI) Special Agent (SA) Cory Brant examined an extraction of ORAN's iPhone 6S.

SA Brant observed that the phone was named "Joseph's iPhone" and that the email address, theoranfamily369@gmail.com, was associated with

the iPhone's Apple ID.¹ The Kik Messenger application was not found on the phone, however SA Brant observed artifacts on the phone indicating that the application had once been installed on the phone. A query of the phone for the UC's Kik Messenger username returned positive results. Additionally, on October 13, 2017, the phone's user conducted multiple Google keyword searches for the UC's first and last name. The agreed-to address for the meeting on October 31, 2017 had also been entered into Google Maps. Finally, a picture sent to the UC on October 31, 2017 by bj369369369 was recovered from ORAN's iPhone.

During the review of ORAN's iPhone, SA Brant also observed child pornography and child erotica associated with a Dropbox account.

Investigation of ORAN's Dropbox Account:

Dropbox records revealed that the email address theoranfamily369@gmail.com was associated with a Dropbox cloud storage account in the name of "J Oran". Pursuant to a search warrant, Dropbox provided Det. Neefe with the account's content.

The structure of the account consisted of a folder titled "Teen girls"

¹ This is the same email address that was associated with the Kik Messenger account of bj369369369.

with three subfolders: “Girls Teen”, “September 2017”, and “x”. Of the 198 files in the account, 72 were videos depicting child pornography, as defined in Title 18, United States Code, Section 2256(8)(A).

This the 9th day of April, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2020, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

A. Patrick Roberts, Esq.

Respectfully submitted,

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