

Sealed
Public and unofficial staff access
to this instrument are
prohibited by court order

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

December 14, 2023

Nathan Ochsner, Clerk of Court

United States of America)
v.)
Arthur Hector Fernandez, III)
)
)
)
)
)

Case No.

4:23-mj-2084

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 May 6, 2023 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 2251	Sexual Exploitation of Children

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Complainant's signature

Roxell S. Howard, FBI Special Agent

Printed name and title

Sworn to before me telephonically.

Date: 12/14/2023

Judge's signature

City and state: Houston, Texas

Sam S. Sheldon, United States Magistrate Judge

Printed name and title

Sealed

Public and unofficial staff access
to this instrument are
prohibited by court order

4:23-mj-2084

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Roxell Howard, being duly sworn, depose and say that:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI). I have been a Special Agent of the FBI since April 2023. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest, and performing other duties imposed by law. I am currently assigned to the FBI Houston Violent Crimes Against Children Squad and Human Trafficking Task Force (HTTF) and investigate a variety of human trafficking matters. Prior to this assignment, I was an Investigative Specialist with The FBI since 2015, where I specialized in surveillance in support of a variety of FBI cases. I have been trained in the preparation, presentation, and service of criminal arrest and search warrants and have been involved in the investigation of offenses against the United States to include violent crimes against children and human trafficking offenses.
2. This affidavit is being submitted in support of a Criminal Complaint for **ARTHUR HECTOR FERNANDEZ III**, date of birth: 06-24-1994.
3. The factual information supplied in this affidavit is based upon your Affiant's own investigation of this matter, as well as information provided by other law enforcement officers. Since this affidavit is submitted for the purpose of securing an arrest warrant, it does not include every fact known to the Affiant concerning this investigation. The Affiant has set forth facts that he believes establish probable cause to believe that **ARTHUR HECTOR FERNANDEZ III** has violated the provisions of Title 18, U.S.C. Section 2251, Sexual Exploitation of Children.

Background

4. On or around December 6, 2023, the Australian Centre to Counter Child Exploitation (ACCCE) provided the FBI Headquarters (HQ) with a series of Child Sexual Abuse Material (CSAM) pertaining to the ongoing exploitation of a private, by invitation only, forum on the dark web. The ACCCE provided FBI HQ with four videos which were posted/uploaded by the same partially identified user.

Summary of Video Evidence

5. Video N04013104 is a 26 second video and depicts a young prepubescent male (hereinafter referred to as MINOR VICTIM 1-MV1) with brown hair, naked on a round tiled table. MV1 is seen and can be heard crying and making disgruntled faces. Subject A was to the left of MV1 near MV1's head. Subject A had his pants around his knees. Subject A had his penis exposed and was masturbating with his right hand. Subject A had two silver bracelets on his wrist, one which appeared to be chain style bracelet with a dolphin charm and the other appeared to be a solid beaded bracelet. Subject A is believed to be Arthur Hector Fernandez III (hereinafter also referred to as Fernandez). Subject B was positioned between the legs of MV1. Subject B was observed masturbating with his right hand and stimulating his penis with MV1's penis. Towards the conclusion of the video, Fernandez ejaculates on MV1's side and left arm. An unidentified subject can be heard saying "oh yeah," "yes, cry like a little bitch," and "yeah you fucking slut."
6. Video N04013105 is a 56 second video and depicts a white tiled floor room with black grout. Inside the room were several black chairs. In the corner of the room was a folding step ladder and along the side was a full-sized white side by side refrigerator. The video depicted Subject C, a naked black male with an exposed penis wearing only black dri-fit socks and a beaded bracelet on his right wrist, holding MV1. MV1 can be seen struggling and can be heard crying loudly. Subject C had his erect penis exposed and was masturbating with his right hand. While Subject C held the victim partially upside down, Subject D, a white male wearing a white t-shirt, was seen masturbating with his right hand on his erect exposed penis and had placed his left hand around MV1's neck. Subject C ejaculated on MV1's chest and right arm. Subject D then takes MV1 from Subject C and places the victim over his knee, face up, chest out, with MV1's face and mouth under Subject C's exposed penis. MV1 can be seen pushing Subject D's penis and body away. Subject D continues to masturbate and ejaculates over MV1's chest. Subject D presses MV1 down forcibly on his knees. After ejaculating, Subject D rubs semen all over MV1's exposed chest, body, and face. Subject E, wearing only socks, can be seen masturbating with his right hand. Subject E appears to be seated throughout the video. During the video, an unidentified male tells the victim to "Shut the fuck up." There are a pair of white low top, Converse All-Star tennis shoes observed on the floor.

7. Video N04015458 is a 46 second video and depicts MV1 in a yellow shirt and blue pants on a changing table. Subject F, an uncircumcised black male, is observed masturbating. Fernandez (Subject A), a white male who is wearing a silver, chain style bracelet with what appears to be a dolphin charm and a silver beaded bracelet, is observed touching Subject F's penis and directing it toward MV1's mouth. Fernandez is seen masturbating and ejaculates on floor.
8. Video N04013107 is a 54 Second video and depicts a black prepubescent child (hereinafter referred to as MINOR VICTIM 2- MV2) wearing jeans and an opened diaper with a dinosaur t-shirt and white and grey tennis shoes on a changing table in what appears to be a public restroom. Subject G, a white male wearing a blue short-sleeve graphic t-shirt, attempts to digitally penetrate MV2. Subject G then spits on his fingers and repeatedly attempted digital penetration. Subject G removes MV2's shoes and jeans. Subject G moves MV2 and attempts to anally penetrate MV2 with his exposed penis. Fernandez (Subject A) is observed masturbating with his right hand on his erect exposed penis. Fernandez has on two silver bracelets, one is a chain style bracelet with what appears to be a dolphin charm and the other is a solid beaded bracelet, as seen in video N04013104 and video N04015458. Fernandez ejaculates on the changing table. Subject G rubs semen from Fernandez on MV2's anus and again attempts to insert his penis into the anus of MV2. Fernandez appears to be recoding the video based off of the camera angle.

Identification of Minor Victim 2 and Interview of Alexis Arceneaux

9. On or around December 7, 2023, FBI HQ contacted FBI Houston regarding the aforementioned matter. Utilizing an open-source image repository, FBI HQ was able to locate a toddler that was visually similar to one of the victims depicted in one of the videos via the Facebook and Instagram pages of Alexis Jane Arceneaux. The toddler appeared to be related to Arceneaux.
10. On December 7, 2023, FBI Houston located and interviewed Arceneaux. Arceneaux was presented a sanitized photograph of MV2 from the video received from FBI Headquarters. Arceneaux confirmed MV2 was a relative and is currently 2 years and 10 months old.
11. During the interview, Arceneaux was presented a photograph, which was captured from the videos received from FBI Headquarters, of a male's arm with two silver bracelets visible in the picture. Arceneaux advised that her friend, Arthur Hector Fernandez III, often wears similar jewelry.

12. Arceneaux provided FBI Houston with Fernandez's Instagram account, username: "allegedly_hector." The owner of this Instagram account is Arthur Hector Fernandez III, date of birth 6/24/1994. Photographs posted on this Instagram profile have been compared to Fernandez's Texas Driver's License photograph and have been determined to be the same person.
13. On Instagram profile, "allegedly_hector," Fernandez is seen in a photograph wearing the same silver bracelets which were captured from the CSAM videos received from FBI Headquarters.
14. Arceneaux works at a kiosk located on the second floor of the Galleria Mall, located 5085 Westheimer Road, Houston, TX 77056, called "Cluxextentionz." Arceneaux met Fernandez because he worked at a store near "Cluxextentionz" called Carbon Jeans. Carbon Jeans has since shut down.
15. Arceneaux recalled one day this past summer (2023) when she was called into work on her day off for a few hours. Arceneaux did not have time to find care for MV2, so she brought MV2 to work with her. Fernandez approached Arceneaux and offered to push MV2 around the mall and watch MV2 while Arceneaux worked.
16. Arceneaux would sometimes bring MV2 to work with her because she could not afford childcare and her family currently resides in Louisiana. However, this was the only time Fernandez had access to MV2 without Arceneaux present. Arceneaux knows it was over this past summer (2023) but cannot recall an exact date at this time.
17. In the video in which MV2 is present, it appears that it was taken in a public bathroom because MV2 is seen lying on a changing table. The Galleria Mall has public restrooms, private stalls, and changing tables.
18. Arceneaux also reported to FBI Houston that Fernandez would often wear a pair of white low top, Converse All-Star tennis shoes.
19. On December 13, 2023, Arceneaux told investigators that she had found a 3 second video of MV2 walking out of the Galleria wearing the same outfit that was seen in Video N04013107. Arceneaux's video was taken on May 6, 2023.

Execution of Search Warrant

20. On December 8, 2023, FBI Houston executed a search warrant at 3040 Rothermel Road, Houston, Texas, the listed address of Arthur Hector Fernandez III. At the residence during the time of the search was Fernandez's grandmother, Dora Fernandez, and uncle, James Fernandez.

FBI Houston searched the residence for items that could tie Fernandez to the videos and electronic devices that could possibly store CSAM. FBI Houston seized three pairs of white, low top Converse all-star shoes, a Fuji-Film XD Picture Card 124mb, a Motorola Phone, a Samsung Phone, and a Lenovo Tablet. Arthur Hector Fernandez was not at the residence at the time the search warrant was executed.

Identification of Minor Victim 1 and Interview of Destiny Sanchez

21. On December 7, 2023, while going through Fernandez's Instagram account, agents found an adult male whom Arceneaux identified as Destiny Sanchez's father who was Fernandez's ex-boyfriend. Arceneaux indicated that D. Sanchez also worked at the Galleria and had a minor relative who was approximately 3 years old.
22. December 8, 2023, Destiny Sanchez provided the following information to FBI Houston during an interview. FBI Special Agent Brianna Reese presented two sanitized photographs of MV1 from the videos received from FBI Headquarters to D. Sanchez. D. Sanchez identified her minor relative, who is currently 2 years and 8 months old, as MV1 in both sanitized photographs.
23. In one of the photographs, MV1 is pictured in a yellow t-shirt. D. Sanchez recognized this t-shirt and advised that it is a size 2T indicating MV1 was approximately two years old at the time which would have been after April 2023.
24. During the interview, D. Sanchez was presented a photograph, which was captured from the videos received from FBI Headquarters, of a male's arm with two silver bracelets visible in the picture. D. Sanchez advised that her friend and former co-worker, Arthur Hector Fernandez III, often wears similar jewelry.
25. D. Sanchez then provided a photograph of Fernandez, which was time stamped February 27, 2023, that D. Sanchez took when they were on a lunch break at the Galleria Mall. In the picture, Fernandez is seen wearing the same silver bracelets which were captured from the videos received from FBI Headquarters.
26. D. Sanchez used to work at Carbon Jeans in the Galleria Mall with Fernandez and Fernandez used to date D. Sanchez's father, Eric Sanchez.
27. There were times when D. Sanchez would bring MV1 to the Galleria Mall when she couldn't find a babysitter. D. Sanchez remembers one time when Fernandez took MV1 to walk around the mall when D. Sanchez was busy at work. D. Sanchez remembers this was around Christmas time last year (2022).

28. D. Sanchez identified a sanitized photograph of MV2 as being a minor relative of Alexis Arceneaux. D. Sanchez knows Arceneaux from the Galleria Mall because Arceneaux worked next to D. Sanchez's former place of employment, Carbon Jeans.
29. D. Sanchez advised that Fernandez would have been the only person to have access to both of their minor relatives because Arceneaux and D. Sanchez both had to take their minor relatives to work at times when they could not find childcare.
30. Fernandez watched MV1 in December of 2022 without D. Sanchez present. Fernandez also took MV1 trick or treating this past October 31, 2023, without D. Sanchez present.

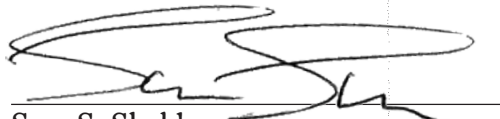
CONCLUSION

31. Based on the aforementioned facts, your Affiant respectfully submits that there is probable cause to believe, **ARTHUR HECTOR FERNANDEZ III** did knowingly violate the provisions of Title 18, U.S.C. Section 2251, Sexual Exploitation of Children.



Special Agent Roxell Howard
Federal Bureau of Investigation
FBI Houston Field Office

Sworn to and subscribed telephonically this 14th day of December 2023 and I find probable cause.



Sam S. Sheldon
United States Magistrate Judge