

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-mj-8377-RMM

UNITED STATES OF AMERICA,

v.

JASON JAMES ATHA,

Defendant.

FILED BY SP D.C.

Aug 9, 2024

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - West Palm Beach

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)? No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No
4. Did this matter involve the participation of or consultation now Magistrate Judge Marta Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: Gregory Schiller
Gregory Schiller
Assistant United States Attorney
FL Bar No. 0648477
500 S. Australian Ave., Suite 400
West Palm Beach, FL 33401
Tel: 561-820-8711
Email: Gregory.schiller@usdoj.gov

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America
v.
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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 Oct. 3, 2023 through Aug. 9, 2024 in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

Code Section Offense Description
18 U.S.C. § 2422(b) Attempted Enticement of a Minor

This criminal complaint is based on these facts:
See attached Affidavit by HSI SA Louise Miller.

Continued on the attached sheet.

LOUISE M MILLER Digitally signed by LOUISE M MILLER
Date: 2024.08.09 18:49:43 -04'00'

Complainant's signature

HSI Special Agent Louise Miller

Printed name and title

Subscribed and sworn to before me in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone (FaceTime).

Date: 08/09/2024

Judge's signature (Handwritten signature of Ryon M. McCabe)

Judge's signature

City and state: West Palm Beach, Florida

United States Magistrate Ryon M. McCabe

Printed name and title

I, Louise M. Miller, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (“SA”) with the Department of Homeland Security (DHS) Homeland Security Investigations (“HSI”) and have been since 2008. I am currently assigned to the HSI Office of the Assistant Special Agent in Charge West Palm Beach, Florida, which targets individuals involved in the sexual exploitation of children and other manners of commercial sex trafficking. I am trained and empowered to investigate crimes against the United States, as more fully described in Titles 8, 18, 19 and 21 of the United States Code, amongst others. This includes investigating crimes against children, particularly offenses involving child pornography and the exploitation of children, including but not limited to matters related to the sexual exploitation of minors, Internet child pornography, and offenses in violation of Title 18, United States Code, Sections 2251, 2252, 2252A, and 2422 et. seq. I have attended and received training in this area of law enforcement, and have both personally investigated, as well as assisted, in investigations involving the exploitation of children. I have also spoken with and investigated many individuals who have sexually abused children. From those conversations, I am aware of common methods individuals use to sexually exploit children online.

2. I am submitting this affidavit in support of a criminal complaint for **Jason James ATHA (“ATHA”)** a.k.a. “avalanche21199”, a.k.a. avs21199. I submit there is probable cause to believe that from October 3 through on or about August 9, 2024, in the Southern District of Florida and elsewhere, ATHA attempted enticement of minors to engage in illicit sexual activity, in violation of 18 U.S.C. § 2422(b),

3. The statements contained in this affidavit are based in part on information provided by HSI Special Agents; written reports about this and other investigations that I have received,

directly or indirectly, from other law enforcement agents; the results of physical and electronic surveillance conducted by law enforcement agents; and my experience, training and background as a Special Agent with the HSI. Since this affidavit is being submitted for the purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe Jason James ATHA has violated 18 U.S.C. § 2422(b)

PROBABLE CAUSE

4. In October of 2023, a Homeland Security Investigations (HSI) West Palm Beach (WPB) undercover Special Agent (herein referred to as “the UC”) acted in an undercover capacity online an mobile messaging application (hereinafter the “App”) to detect and investigate violations of federal law related to the sexual exploitation of children. The UC assumed the persona of an adult mother with a notional 8-year-old daughter, herein referred to as Child1. The UC was monitoring numerous chatrooms including those created for individuals to discuss their interests in “taboo” sex, family incest, child pornography, and the like, to combat the sexual abuse of child and distribution of child pornography.

5. On October 3, 2023, at approximately 12:21am, the UC received a private message from the App user “avalanche21199”, which also had a display name of “JJ A”, later identified as Jason James ATHA. The user stated that he was a 49-year-old divorced male from Colorado, specifically located in between Denver and Boulder. ATHA stated that a few of his interests included, “beast, family (others experiences), Cnc, Pregnant fucking, Lactation”.¹

6. ATHA asked if the UC was “active” with anyone. The UC answered affirmatively and asked if he was. ATHA stated he was not, but “used to mess with my cousin. I was 14 and she

¹ ATHA communicated with the UC very often; sometimes the UC did not respond. However, for the purposes of this affidavit and brevity, your Affiant has included the most pertinent conversations.

was 17. You?” The UC replied, “I have my daughter”. ATHA said “Nice!”, asked for Child1’s age, and then asked “What do y’all do”? The UC said, “We play”. ATHA advised the UC that he would love to meet and stated, “I would love to find mother daughter to play with”.

7. On October 10, 2023, ATHA asked the UC, “Anyone know you play?” He messaged again and said, “Found anyone that wants to play with you both?” The UC responded and said that nobody in UC’s family knows. They continued chatting on October 12, 2023. ATHA asked the UC for the child’s name, and said, “When did you start playing?” (referring to when the UC began sexual activity with Child1). The UC answered that it was within the last two years. ATHA asked, “So has she taken to it does she like it?” The UC answered that Child1 enjoys their “play time” because the UC is good to the child and shows Child1 care and love. ATHA said, “That’s a beautiful thing. I would sooo love to be a part of that”. The UC asked him if he was “for real” or if this was just a “thought in ur head”. ATHA replied, “For real for real. I have had so many what I thought were opportunities only to get ghosted when it got down to it”. The UC asked him if he ever got the chance to, and he said “Unfortunately No I haven’t. Have you?” The UC did not respond. He messaged again asking if the UC was on any other sites.

8. On October 13, 2023, the UC responded back to him and said that the UC’s only experience was with Child1, and not on any other sites besides the App. ATHA stated that he wished there were “better sites.” The UC asked if he was on any “good groups on here” (the App). ATHA stated that he was “in a pregnant one and a lactation one”. ATHA provided the UC with his cell phone number of 303-579-8175. The UC asked ATHA if he was “really serious about wanting to join?” (referencing the sexual activity with the UC and Child1). He replied, “Yes absolutely”. The UC asked him what his favorite age preferences were. He stated that he had “no real preference” but preferred people younger than him. The UC then said that since he stated he

had not “gotten to play before”, how he would know to deal with an 8-year-old child without causing injury. ATHA responded by stating, “Definitely need to be gentle. Not going to force anything”. The UC asked ATHA what he was hoping to “teach and do/play”. ATHA replied, “to be with you and your daughter so you can teach her and mold her how you want her to be. I am happy to listen about what you want and I can give thoughts and ideas on what else to do. And we can decide if that’s something you’d want for her”. ATHA also added, “I want to teach her how to be comfortable with my touching her Her [sic] sucking licking my cock and her taking my cock in her pussy. Of course it would be a gradual thing trying to get deeper each time”.

9. On or about October 20, 2023, ATHA messaged in reference to Child1, that he has “been thinking about her little pussy with my cock tip inside”, and that he has been wanting this “pretty much on a daily basis”. ATHA asked, “How do you both play. I want to make sure we can add me in seamlessly”. The UC stated, “We touch, kiss, lick and play. I’ve used my finger in her. And recently started with toys but now [sic] all the way in.” ATHA pointed out that he realized the UC had a typo and meant “not” all the way in. He then asked what toys the UC uses on Child1. The UC said, “Toys not all the way yet just my fingers”. ATHA replied, “Gotcha. You think she’d be receptive to my cock”. ATHA stated he was thinking of traveling to Florida during the Summer of 2024 (the UC had previously provided a location in Florida). ATHA then asked for “live pics”² in the App to prove the UC and Child1 were real.

10. On or about October 24, 2023, ATHA said he would be comfortable doing anything with Child1 that the UC was comfortable with. The UC stated that anal sex, spanking or anything

² When users of the App take and send a new photo or video using the camera within the App rather than an old/already-existing photo or video, the App adds the word “Camera” under the photo or video that the App user sent. If the App user receives a photo or video from someone and it says “Camera” underneath it, the App user knows that the photo or video was just taken in real time. The App users often request live photos or videos from one another to prove that the other user is a “real” person.

that left marks was “off the table”, and ATHA would have to wear a condom. ATHA stated that he was “Totally ok with all that” and that he was “clean”. The UC asked for his thoughts, to which he replied, “Kissing licking sucking. I am wondering if you are going to be involved. Also is she a tiny girl or is she taller and growing already? Another thought that I had was maybe having her in makeup”. The UC stated that Child1 has not hit puberty yet.

11. The UC then sent a photo of the notional child. ATHA replied, “She’s very cute”. ATHA then responded with a live photo the App of himself that depicted a middle-aged white male with short brown hair wearing a gray shirt, standing in what appeared to be a residence. He then asked for a live photo of the UC while holding up a pinky finger, which the UC complied with. ATHA asked if the UC had spoken to Child1 about him. ATHA said, “So I am very nervous but serious. In my head I get there and cops are waiting for me”. ATHA and then the UC each asked if the other was law enforcement, and both denied being law enforcement.

12. That night, the UC and ATHA began texting with ATHA’s phone number of 303-579-8175. The UC sent ATHA a text message which stated, “Hey its [UC’s First Name]”. ATHA replied, “Hey girl!!! I’m glad we are moving along”. ATHA asked what the UC “put him under” (referencing phone contact name) and the UC responded, “Jason JJ A” and asked if that was okay with him. ATHA replied, “Lol sure”. ATHA noted he saved the UC’s contact number as “[UC’s First Name, Child 1’s] mom”.

13. On February 5, 2024, ATHA asked if the UC has been “chatting with anyone about the same situation we want?” The UC answered in the negative. ATHA offered, “I am still interested if you are”. Having spoken only briefly over the past few months, ATHA wanted to know if Child1 remembered him or anything that the UC would have told Child1 about him. He told the UC to show Child1 his picture and tell the child anything the UC wants about him. ATHA

also asked if Child1 knows “what she is going to do with us?”, and said he would be fine with anything the UC wanted to share with Child1. ATHA also asked if the UC was still on the App, as he had been trying to contact the UC on the App as well. He added that he is in “some fam and yung groups” on the App. ATHA advised he was 50 years old.

14. The UC expressed concern with ATHA having “bare sex with [Child1]” and requested ATHA wear a condom. ATHA replied, “Ok good to know.” ATHA agreed to also provide a clean STD test, saying, “Lol I can do that too”. The UC replied, “Well what do u want? Like how do u wanna go about it with her”. ATHA stated, “Well I want her to be comfortable with me for sure. Maybe you in the room with me at first. Both of us playing with her at the same time”. ATHA also asked the UC if Child1 is “developing at all? Physically”. The UC said “Not yet”. He replied, “I love that. No boobs no hair tiny”.

15. On February 6, 2024, ATHA initiated contact with the UC again and asked if the UC spoke with Child1 further about him. The UC stated that Child1 was not entirely sure if she remembered him and said that she might be able to remember if she saw a photo of him. ATHA stated that he could take another photo for her. He then sent the UC a photo of himself hiking in the mountains.

16. On the same date, the UC asked ATHA what his dream would be if it were up to him. He replied, “I think I pretty much found it with you. A mom who is totally into it and has already kinda groomed her but willing to give me some say. And that the mom is good looking”. The UC reminded him that Child1 has not had any male sexual experiences yet. ATHA replied, “Im glad I’ll be the first. I’m glad I can help you with her first experience”. He asked the UC what the UC’s ideal situation was, to which the UC said “For her to learn with my guidance in a safe

and loving way. Not her get into bad situations behind My back trying to experiment but not know how and get hurt. ATHA said, “Nice. That’s being a good mom”.

17. On February 7, 2024, ATHA asked again if the UC had mentioned anything about him to Child1. On February 8, 2024, he messaged the UC again and asked, “What do you want to see happen”. The UC did not respond. On February 9, 2024, ATHA texted the UC again stating, “I’m curious what you are envisioning in your head or a must that you want to happen”. The UC replied, “Something we agree on and are comfortable with”. ATHA stated that he wants to know what the UC was thinking. The UC replied, “Lol well I’m thinking for her first time I don’t want any anal sex”. ATHA said, “Ok yes I agree with that. Maybe eventually but gotta ease her into this”. The UC asked him if he travels to Florida, what he would like to do during his first time with Child1, and if he was looking for a one-time experience. ATHA replied, “Multiple if that’s ok with you. I think my tip at first. Then farther if she can take it. Sucking too looks like she’d be good at that lol”.

18. On February 15, 2024, the UC was unable to message ATHA’s in the App. Upon texting ATHA, he responded, “I got kicked out and can’t get back in”. The UC asked him why he got kicked out, and he said “I have no idea why. Just wouldn’t let me into the app anymore so I tried to delete it and reload it and I can’t get in still”.

19. On March 19, 2024, ATHA stated that he was in the Dominican Republic for a week. Several days later, ATHA sent a photo of himself wearing sunglasses standing in front of a beach, allegedly in the Dominican Republic. He then sent an additional photo of himself standing in front of palm trees, without sunglasses.

20. On March 22, 2024, ATHA asked the UC where he would fly into to see the UC and Child1. The UC provided him with Palm Beach International Airport. He said that he has to look at flights, and that they “need to figure out a time!!!!”

21. On March 25, 2024, ATHA asked if the UC would like to have a phone call with him sometime soon. When the UC did not respond, he texted several hours later, “No pressure just wondering”. When the UC assented, and asked what they would talk about, ATHA replied, “We can talk about details. When. What to do. Etc”. ATHA provided that he is in the mountain time zone and advised the UC he worked in “radon mitigation”.

22. On March 27, 2024, ATHA asked the UC if [Child1] had a birthday this month. The UC stated yes, and that Child1 was now 9 years old. He said, “Wow getting big!!!”

23. On April 26, 2024, ATHA provided what he was up to: “Nm besides work. And pervng online. Lol”. ATHA stated that he made a new account in the App because other applications were not as good to “perv.”

24. On May 5, 2024, ATHA asked if the UC was still “playing” with Child1. The UC said yes. ATHA replied, “Mmmm love it. What have you been doing with her as of late”? The UC stated, “Lots of toy exploring and licking”. On May 16, 2024, ATHA asked the UC if Child1 ever “licks her”. After the UC responded in the affirmative, ATHA continued to ask questions about it, and said that it was “so hot”, and that “69 would be fun”. He also asked if the UC has found “anyone else on [the App]”.

25. On May 17, 2024, the UC and ATHA added each other on the App again. The UC received a private message at about 10:52 A.M. from ATHA’s new account “avs21199” in the App. The App showed that his display name was “JJ A”, and his profile photo was of a brown acoustic guitar with a red wall behind it. ATHA told the UC that he would add the UC to any good

groups he found, but that he will most likely continue to chat with the UC via phone text message. ATHA then invited the UC to join a group in the App called “Young fan” where there are “no rules”. The UC advised to receiving a private message from someone asking if the UC trades videos (this is a common reference to trading child sexual abuse material). The UC then asked him “Do u like trading?” ATHA said, “Don’t mind it” and asked if the UC does. The UC denied sending anything to anyone in a while because due to previously being banned once before from the App for doing so. ATHA also stated, “Problem is I don’t have much so I pick and choose from other groups”.

26. On May 19, 2024, in reference to being with the UC and Child 1, ATHA said, “We definitely need to make that happen” and “Let’s check our calendar what works. Also like I said before id like to talk too” (referring to a phone call with the UC). He also asked if the UC could pick him up from the airport.

27. ATHA then asked if [Child1] still needed a car seat. The UC responded, “Not anymore”, to which ATHA replied, “Could start playing while you drive”. ATHA stated that he hopes Child1 likes him and “Just tell her what to expect when we are all together. I want her to be comfortable with everything”. The UC advised not keeping secrets from Child1.

28. In an effort to further identify ATHA, the UC advised that Child1 wanted to impress ATHA by making something for him, such as a drawing. The UC asked him for ideas to relay to Child1. ATHA stated that he would “love it”, and “I like dogs pizza beaches mountains”.

29. Later on the same date, ATHA advised he likes both “loli” and “real” (the latter being a reference to child pornography). Your affiant knows that “loli” is a term referencing anime child pornography. When asked, ATHA said his favorite was, “Mommy daughter. Mommy son. Dad daughter”. ATHA then said that he was “so glad” the UC is “open” to him “joining as well”,

and that he was “so glad” he found the UC. He added that most people just “want to trade pics”, and asked if the UC trades. ATHA stated that he does not have “much” to trade, that they are “all from groups that I pick out”, and “I don’t mind trading” (referencing the distribution and receipt of child pornography).

30. ATHA offered his keywords searches for groups in the App are, “Haha anything everything. Petite. Pretty much same. Then I found out about loli so started that one too. Taboo too.” He added, “Little and tiny usually don’t work because it takes you to tiny or small cocks” and “Fam is usually a good start”. He then asked the UC “What of those fam do you like watching the most”? The UC said, “Mom/daughter and dad/daughter. You?” ATHA said, “Same. Mom son too”. He then said, “However I don’t like the ones where it looks like the kid isn’t having a good time”. The UC agreed, and asked him if he has an age preference. He said, “Hmm not really. I’d maybe say 8 and up”.

31. On Friday, June 14, 2024, ATHA wrote, “Would it be inappropriate to say I can’t wait to see her body” (speaking about Child1). The UC said no and asked him when he wanted to see Child1’s body. ATHA replied, “Mmmmm good. Now!!! Lol”. The UC laughed and then asked if ATHA was no longer “still interested lol which it’s totally okay if you aren’t”. ATHA said, “Oh I totally am for sure”. The UC stated, “No hard feelings if not all I ask is just let me know if you’re not into this because I won’t wanna talk to [Child1] about u anymore. I don’t wanna get her feelings hurt”. ATHA responded, “Oh I totally understand that. I am so still interested.” ATHA stated, “I’d like to talk and video chat before meeting. Whatever you feel comfortable with”.

32. At about 1:30 P.M., the UC advised they could talk in a little while. ATHA responded, “Great!!!” The UC called ATHA’s phone at approximately 2:15 P.M. The phone call was audio recorded. ATHA answered the call, and the UC addressed him by saying, “Hi...Jason”,

to which he responded, “How are you doing?” The UC and ATHA engaged in general conversations. Then, ATHA stated, “So, [Child1] is with friends today?” and also asked about what summer camps the child attends. After, the UC asked ATHA if he had any new trips coming up, noting that he always seems to be traveling, ATHA stated, “I know... I know... and that’s why I want to figure out when to get out there if you still want me to come”. The UC responded affirmatively. ATHA replied that he had to figure out a good time to travel to Florida. They discussed possible timeframes for him to travel, closest airports, and travel costs.

33. During the phone call, ATHA told the UC that he was “flattered” that Child1 likes him, and added “to tell you the truth, I am so glad that we connected and have the same views and same kind of likes and dislikes and stuff like that.” ATHA then asked if Child1’s father was involved in their lives, to which the UC explained why the father is not involved, that the child was better off with the UC, and that Child1 is used to only being with the UC. ATHA responded, “That’s good... and very comfortable with one another...I like that”. He added, “I gotta say... it’s just so hot to me”.

34. ATHA discussed the online chatrooms he entered, offering that he gets a lot of men that just want to trade pictures, and that he has been trying to find other apps but has not found anything as good as the App. ATHA advised that he downloaded the Session app, that it is “more secure” and “It’s okay...again, just people that are on there for a little bit and then I don’t hear from them again.” ATHA also stated that he used to use Yahoo instant messenger to chat with people, and an “adult friend finder” that had a chat function.

35. ATHA then spoke about how he found a group on the App that was “pretty good” and required members to stay active or they risk being quickly removed. ATHA offered that to stay active, members had to “send pictures of this material... I think it was more like...um...like

younger type pictures or like that, something that was pertaining to the group...3 pictures to the administrator and you're good". He also noted that this group had some "pretty good young ones too and there's a lot of what do you call it...loli stuff". The UC noted that was "hot", to which he replied, "I like that stuff too". The UC clarified, "the loli or both?" ATHA asked what the UC meant, and the latter said, "like real? Or...?" ATHA replied, "Oh yeah, both, for sure". The UC denied really looking for loli groups. ATHA replied that it was okay and "some of the AI stuff that they have it's just...Oh my God, it looks real". The UC asked, "They can create it (AI) with young too?", and he said "Yeah, I think so". ATHA provided a specific keyword search within the App, that would bring up "a bunch of loli stuff. And then you get the occasional you know actual real video of stuff which is hot to me too". ATHA further clarified, "Not the stuff where they obviously don't want to be doing it and they are crying...and being forced" (referencing child sexual abuse).

36. ATHA asked the UC if Child1 knows what to expect. When UC offered that not everything was explained to Child1, ATHA replied, "Gotcha. She knows it's gonna be more than just hanging out?" The UC affirmed. ATHA added, "Gotcha...and want to plan a play time with me and her and you and all that stuff?" The UC affirmed and asked permission to tell Child1 "something better". ATHA stated that he was fine with telling the child "whatever" and that he was "comfortable with [the UC] telling her anything you want...and if she has any questions and wants to ask a question...yeah...we can do it via text with you or on a call, it doesn't matter to me".

37. The UC told ATHA that no violence was to take place with Child1. ATHA said, "Of course, of course...I want her first time to be amazing...I want her to like it for sure too". The UC added that ATHA was not to have anal sex with Child1 on their first occasion, to which he replied, "Okay". The UC asked ATHA if he planned on flying to Florida one time or if he was

planning on traveling more than once. He stated that he would “love to do it more than once for sure” and “not just a one-time thing”.

38. The UC asked ATHA what he wanted to do during the first time that he meets up with Child1. He said, “I’d like to have her suck me you know, I’ll definitely want to try to fuck her as well but uh...you know to reason...you know I’m not going to jump on in”. ATHA noted that it felt awkward to talk to the UC about it, as he has never talked to anyone about it. ATHA also added, “The other thing I was thinking is both of us at the same time too...you know...these are fantasies I’ve been thinking about. You licking her and she’s sucking me or you know something to that effect you know or I’ll be licking her when you...she’s licking you or something you know, any combination of the three”. The UC asked ATHA to wear a condom when having sex with Child1, and asked if this would be a deal breaker for him. He replied, “Nope...Yeah you mentioned that before. That’s fine.”

39. The phone call concluded with ATHA stating that he had to figure out a good time to travel, and that “It’s so frustrating cause I want to get out there...I definitely don’t want you to think it’s not going to happen because I want it to happen for sure...it’s just a matter of when.” The UC told him that if it did not work for him to travel to Florida, that it was “all good”. ATHA replied, “No, no...Yeah, I appreciate you saying that. But like I said, it is a 100 percent a go for me. You know. I want this to happen for sure”. This concluded the phone call.

40. At about 6pm, ATHA texted the UC stating, “Great chatting with you today. You are fun to talk with!!! Hope [Child1] had a great day”. The UC advised ATHA that the UC would talk to Child1 about their phone call. At about 9:47pm, ATHA texted the UC again asking how it went tonight (referencing talking to Child1). The UC responded the next day, and ATHA asked for the details. The UC stated that Child1 was informed of the details, that they were planning for

ATHA to come to Florida to see Child1 because he liked her, that Child1 asked about what they would do, that the UC told the child what they talked about. ATHA said, “Oh that’s so awesome. How did she react what did she say?” The UC said that Child1 was excited and shy at the same time. ATHA then asked if Southwest Airlines flies to Palm Beach International Airport, and noted that it appeared they do but that the flights were not as cheap as they usually are.

41. On June 21, 2024, ATHA offered, “Trying to figure out a good time to get out there... Nothing is looking doable in the near future. But please know. I do want to!!! As I hope you do too! And [Child1]!” When the UC disliked “talking to [Child1] about you though especially if it’s not happening. I just want to protect her feelings”, ATHA replied, “I totally understand that. It IS happening. Please believe me. I think we both want this”. He added that he was looking at flights now.

42. At noon, ATHA messaged, “Here’s a tentative date” and included a screenshot of a Southwest Airlines roundtrip flight on August 8, 2024, from Denver, CO arriving in West Palm Beach the next day and a return on Sunday, August 11, 2024, departing West Palm Beach at 1:05pm. The UC replied, “But again it’s totally okay if it doesn’t work out”, and that weekend would be stressful as school starts for Child1 on Monday August 12. ATHA stated that was the “best date” for him, but would look to other dates.

43. ATHA asked to speak on the phone. At about 12:26pm, the UC called and recorded the conversation with ATHA. ATHA answered the call, “Hey [UC’s first name]”. ATHA offered that he wanted to make this trip work, saying: “I do want this for sure”.

44. On June 22, 2024, ATHA texted the UC and asked if Child1 has asked about him. The UC stated that Child1 asked when he was coming to see her, and what she should wear. ATHA said, “Can I suggest something?” and “Would you mind dressing her in something kinda sexy.

Something not all that age appropriate for her?” ATHA stated, “Probably something not in the kids aisle in a small or extra small”. He offered the clothing to be “Short shorts crop top?” ATHA sent the UC a Walmart website link and said “Something like this?” The link was to a pair of extremely short denim shorts described as “mini hot pants” . The UC said it was “hot”. ATHA said, “Right. Would that look good? I know she doesn’t have that shape yet. But you think it would look good on her?” The UC agreed it would. ATHA then stated he also wanted to see makeup on Child1, that he would “love the make up” and “It’s getting me excited just thinking about it”.

45. On June 25, 2025, ATHA again offered August 9 -11 for the trip to which the UC agreed.

46. On July 3, 2024, the UC and ATHA talked on a recorded phone call. The UC asked if ATHA had changed his mind about wanting to travel to Florida. ATHA said, “For right now, I’m 100% in for sure.” ATHA noted that he would check flights this weekend to decide on a date.

47. On July 10, 2024, ATHA said, “Looking at flights. Not sure if this can happen often. Are you ok with that? If so I am too and I will get the ticket tonight”. ATHA said he wished they lived closer. ATHA and the UC agreed on the second weekend of August. ATHA asked if the UC could pick him up from the airport and drop him off at the airport. The UC agreed.

48. On July 11, 2024, ATHA texted, “Ticket purchased” and “Arrive 8/9 at 2:40pm. Leaving 8/11 at 1:05pm”. ATHA sent a screenshot of an emailed itinerary confirmation titled “Your itinerary” as follows:

- a. Departure flight: Friday, August 9, 2024, Flight # 4361, departing from DEN (Denver) at 5:15am and arriving at ATL (Atlanta). Flight # 2979, departing ATL at 12:55pm and arriving at PBI (Palm Beach International Airport) at 2:40pm;

- b. Return flight: Sunday, August 11, 2024, Flight # 3812, departing from PBI at 1:05pm and arriving at ATL at 2:50pm. Flight #1207, departing ATL at 8:35pm and arriving at DEN at 9:55pm.

ATHA stated that the flights are with Southwest Airlines. He said that they will all have a “good time” and asked if he should bring a bathing suit.

49. On July 16, 2024, ATHA they discussed the extreme humidity and ATHA asked, “When does it stop becoming unbearable? Lol”. The UC stated that if you are in the water, it’s fine. ATHA stated, “Ok lots of beach time then. Lol” and then messaged, “And indoor time. 😊” The UC replied, “Mmm indoor time!” He said, “Hehe yes”. The UC stated “Speaking of indoor time, I had an idea”. He said, “Ooooo do tell!!!” The UC asked if he was “still ok to use lube and condoms for [Child1]”, to which he wrote, “Yes”. Instead of continuing the text message conversation, the UC placed a phone call to ATHA and recorded the call.

50. The UC placed a recorded call to ATHA. The UC stated, “I’m glad you mentioned indoor time” (referencing their communications via text messaging). ATHA replied, “of course, of course... so what’s your idea?” The UC replied, “...what about flavored lube for [Child 1] ...on you”. ATHA asked for clarification and then stated, “oh...yes, yes...for sure, for sure, I would be down with that”. ATHA noted that would make it a little more fun for [Child1]. ATHA stated, “I am definitely down with that”. The UC inquired if ATHA had certain flavors he liked and ATHA replied, “whatever she likes, whatever she’ll like, it’s totally fine”. The UC noted that Child1 would probably like strawberry. ATHA replied, “okay...I’m totally down with that.”. The UC stated that since they had previously discussed teaching Child1 “to suck”, why not add in flavor. ATHA replied, “yes, absolutely”, noting it would make it more fun for Child1.

51. The UC asked if ATHA would be able to bring the condoms with him. ATHA replied, “uh yeah, I can do that, I can get some”. The UC asked if he could get the strawberry lube

while he was getting the condoms and they discussed stores he could buy flavored lube. The UC asked ATHA if he had “any ideas”. ATHA replied, “Not since...the same stuff we talked about”, and noted he has been thinking about “sexy outfits” for Child1 instead of “normal little kid outfits”. He then suggested a “crop top or halter top with short shorts”.

52. ATHA said that he liked the thought of sexual activity with ATHA, the UC, and Child1. The UC asked him what his “number one” thing was that he was excited about. He said, “Oh gosh...the sucking is probably the top up there for sure”. The UC asked if the sucking was his “number one” over sex. ATHA replied, “They are both...just to see both of that with her would be amazing”. He also said that he was excited “to see I guess how far she can go”. They agreed that it was unknown how much of ATHA’s penis would be able to fit inside of Child1 considering it would be the child’s first time having sex. Then, in referring to oral sex, ATHA said that it would depend on the child’s “gag reflex.”

53. Also, ATHA stated that he was considering deleting the Session app but decided he was going to wait until he saw the UC so he could share them (referencing CSAM) with the UC. The UC was glad ATHA was saving it for the UC. ATHA replied, “Yeah, I’ll save it for ya.” The UC asked him if he had any favorite videos, and he replied, “Uh no...the ones that I really like are the mom’s sucking off their little boys...I don’t know why, that’s kinda hot.” The UC noted being more into girls, and ATHA said, “Yeah I am too but...I don’t know what it is about the...cause I don’t like boys and I’m pretty straight, so I don’t like going that direction but just watching the moms do that I think is pretty hot.”

54. ATHA stated that he used to work at “an orthodontic office” as a receptionist. The UC and ATHA continued to talk about dentistry.

55. ATHA inquired about a vibrator and dildo that UC has and uses with Child1. ATHA asked, “How far did she go with that one?” (referencing Child1 and the dildo). The UC replied by stating 2 or 3 inches and that “It’s a start.” ATHA replied, “yeah, for sure...very cool...I think she’ll be fine”.

56. Then, ATHA stated, “Oh...and the make-up thing, that was another thing...Just to make it look, I don’t know...you know like lipstick would be good...you don’t have to go eyeliner or whatever...the... you call it eye shadow for the eye lids for anything like that, but just to make it look like she’s...made up...going out on a night on the town or something like that”.

57. On July 30, 2024, ATHA texted the UC, “You live in a pretty cool place”. The UC said that it was right “around the corner”. ATHA said, “It is!!!”

58. ATHA is a dentist who practices at Alpine Dentistry located at 350 Broadway, Suite 10, Boulder, Colorado. The website for the dental practice has a tab labeled “Our Team”. The photo and name of the founder of Alpine Dentistry was listed. Below that, a photo of “Jason Atha, DDS” is posted, with the following information:

“Jason Atha, DDS is a Colorado native and graduated from the University of Colorado at Boulder for undergrad, and graduated with honors from the Medical College of Virginia where he obtained his dental degree. He joined the Alpine Dentistry team in 2001. Every summer, Dr. Atha travels to North Carolina to perform pro bono work for children and adults who would otherwise be without dental care.”

59. A public records search on the website for the State of Colorado Department of Regulatory Agencies – Division of Professions and Occupations revealed that Jason James ATHA of Broomfield, CO has an active “Dentist” License that was originally issued on July 18, 2002 and is set to expire on February 28, 2026. The License Number is DEN.00008512.

60. The photos sent by ATHA to the UC appear to be the same individual as on the website as well as the Colorado driver's license for Jason James ATHA. The address listed on the license is 5051 Yates Cir., Broomfield, CO 80020.

61. Verizon provided subscriber information for the phone number (303) 579-8175. The subscriber was listed as Jason Atha with an address of 5051 Yates Cir., Broomfield, CO 80020. The device linked to this phone number was an Apple iPhone 14 128 Midnight, with an IMEI of 359388536310788 and an IMSI of 311480838490034. Verizon also provided data for IP addresses utilized by the device. Southwest Airlines provided records confirming that ATHA purchased flights from Denver, CO to West Palm Beach, FL on August 9, 2024, with return flights on August 11, 2024. The records displayed the same flight information that the UC observed on the itinerary confirmation screenshot that ATHA sent. ATHA purchased the roundtrip flight for \$456.96. The flights were booked on 07/10/24 at 22:52:00 hours CST, from IP address 71.218.55.88. The following contact information was provided: jjatha@yahoo.com, phone number 303-579-8175, and a billing and mailing address of 5051 Yates Cir., Broomfield, CO 80020. ATHA's loyalty member with Southwest Airlines used the same email address, home address, and phone number.

62. In response to a subpoena the electronic service provider that owns the App provided subscriber information for the account "avalanche21199". The account was created on May 15, 2016 with an email address pf eerieklondike@hotmail.com. The device being used to access the account is an iPhone. The App also provided IP activity logs.

63. The electronic service provider that owns the App responded to another subpoena for subscriber information for the account "avs21199". The account was created on February 25, 2024 with email address jjatha@yahoo.com. The device being used to access the account is an iPhone. The App also provided IP activity logs.

64. Both App accounts' IP activity logs displayed numerous IP addresses belonging to Verizon. These IP addresses were the same IP addresses located in the Verizon records return from ATHA's cell phone.

65. Comcast provided subscriber information for the App -provided IP address 76.131.85.65 from both accounts, on dates and times ranging from 10/03/23 through 06/10/24. Comcast was unable to locate subscriber records from October 2023, however, provided records that the subscriber for this IP address on 05/16/24 is "Alpine Dentistry" at 350 Broadway St., Unit 10, Boulder, CO 80305, and telephone number 303-494-8200. Their start of service with Comcast began on 05/29/2020.

66. Microsoft provided subscriber information for the email address eerikeklondike@hotmail.com. The records revealed that the account was created on 12/01/98 with a first name "J", last name "1", gender "male", birthdate "1973", state "Colorado", postal code "80020", and an alternate email address of j****atha@hotmail.com³.

67. Yahoo provided subscriber information for the email address jjatha@yahoo.com. The records revealed that the account was created on 08/27/2003 with the name "Jason Atha" in "Broomfield, CO, 80020". A recovery email address of eerikeklondike@hotmail.com was verified on 05/27/22, and a recovery phone number of 303-579-8175 was verified on 06/26/24. The records also displayed "other identities" to include: eerieklondike@hotmail.com, jjatha, and avalanche19219. Yahoo also provided an IP activity log.

68. As of August 2, 2024, the City and County of Broomfield's property appraiser website shows that ATHA is the owner of the residence located at 5051 Yates Cir., Broomfield, CO 80020. ATHA purchased the residence in 2010.

³ The redacted name is in fact ATHA's ex-wife's first name as identified by law enforcement.

69. On August 6, 2024, ATHA texted, “Hey!! Three more days!!!” and “Look forward to seeing y’all”. On August 7, the UC said, “Hey since it’s right around the corner now, is there anything else or new I should talk to [Child1] about? I wasn’t sure if u had any new ideas or thoughts. Or just all the same stuff we already talked about”. ATHA responded, “Same stuff I think but We can chat today or tomorrow if you’d like”.

70. On August 8, 2024, after ATHA advised he was ready for phone call, the UC placed a phone call to ATHA. ATHA stated that he would be checking in one luggage and also bringing one carry-on bag. He asked the UC if the UC had a difficult time putting Child1 to sleep. The UC affirmed and noted Child1 was excited about the weekend. ATHA replied that he was also excited, and nervous, but more so excited. ATHA confirmed that he still intended to engage in the activity that he and the UC have been talking about, to include their last phone call. He did not have any new or different ideas to add to what they have already discussed previously.

71. The UC asked ATHA if he found the “strawberry” (referring to the strawberry lube the UC requested for Child1). ATHA stated that he went to an adult store, but only found and purchased a “chocolate one” instead. ATHA said there were other flavors, and he was unsure of what Child1 would like, but figured that everybody likes chocolate. ATHA added that he tasted the lube and that it had a “unique” taste and did not taste like “Hershey’s kiss”. The UC asked him if he thought Child1 would like it, and he said, “Uh, I hope so”. He asked the UC if the UC found anything, to which the UC said the UC bought the red lipstick that he requested for Child1. ATHA replied, “Fantastic”. ATHA confirmed he packed the chocolate lube, and the condoms, per the UC’s request. The UC thanked him for respecting the UC’s wishes and stated that it may sound silly because the UC knows Child1 can’t get pregnant yet, but that the condoms still give the UC a peace of mind. ATHA responded, “No judgment at all. Don’t even worry about it”.

72. On August 9, 2024, at approximately 7:57am, Federal Air Marshalls observed ATHA at the Southwest Airlines check-in counter at Denver International Airport wearing a maroon t-shirt, grey cargo shorts, tan hiking boots, reading glasses, and had one smartphone. ATHA was observed carrying a black duffle bag and checked in one bag. Prior to boarding the flight, ATHA was observed using his smartphone. Agents observed ATHA exit the airplane in Atlanta, Georgia and boarding his connecting flight to West Palm Beach.

73. At approximately 3 P.M., ATHA was observed exiting the plane upon arriving in West Palm Beach. As he reached the guest waiting area outside the security checkpoint area, he was greeted by the UC. ATHA, holding a black duffle bag, and the UC, walked down one level of PBI airport to baggage claim at which point ATHA picked up his one black piece of luggage. Upon exiting the airport together toward the parking garage and the UC's vehicle, the UC advised ATHA that they could go pick up Child1 from a friend's house. ATHA asked the UC if Child1 was excited. ATHA said that he was also excited. As ATHA and the UC were walking in the parking lot, ATHA and the UC were arrested by awaiting agents.

74. ATHA and the UC, both handcuffed, were both placed in the back seat of an unmarked law enforcement vehicle. While in the back seat of the car, ATHA spontaneously asked how this could happen, how could anyone know about their conversations, and stated that it was just going to be a fun weekend with Child1.

75. ATHA waived his *Miranda* rights and agreed to speak with federal agents. ATHA admitted his username on the App was "avalanche" with some numbers after the word and denied that he has other accounts. ATHA admitted the previously known email addresses to be his. ATHA admitted he flew to Florida to watch the UC engage in sex with Child1. ATHA admitted to all of the conversations he had with the UC to have sex with Child1, but denied that he was actually

going to have sex with Child1. Upon being asked about the Session application, ATHA offered that he has the same on his phone and it contains child pornography.

76. Execution of a search warrant of ATHA's cellular phone found on his person at the time of his arrest revealed the App as well as the Session application. ATHA's Session application evidenced his involvement in multiple dad/daughter and taboo chat rooms as well as his possession of child pornography.

CONCLUSION

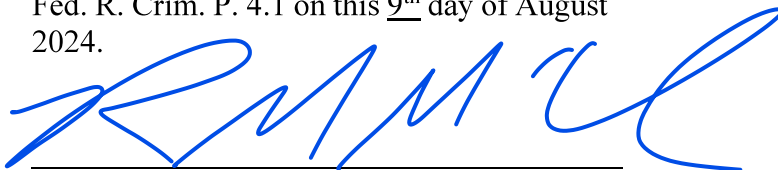
For these reasons, your Affiant respectfully submits that there is probable cause to believe that **Jason James ATHA ("ATHA")**, a.k.a. "avalanche21199", a.k.a. avs21199 violated 18 U.S.C. § 2422(b) within the Southern District of Florida and elsewhere by attempting to enticement a minor to engage in illicit sexual activity.

Respectfully submitted,

LOUISE M MILLER Digitally signed by LOUISE M
MILLER
Date: 2024.08.09 18:43:00 -04'00'

LOUISE M. MILLER
Special Agent
Homeland Security Investigations

Subscribed and sworn to me by applicant by telephone (Facetime) per the requirements of Fed. R. Crim. P. 4.1 on this 9th day of August 2024.



HON. RYON M. MCCABE
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JASON JAMES ATHA

Case No: 24-mj-8377-RMM

Count #1:

Attempted Enticement of a Minor

18 U.S.C. § 2422(b)

- * **Max. Term of Imprisonment:** Life
- * **Mandatory Min. Term of Imprisonment (if applicable):** 10 years
- * **Max. Supervised Release:** Life (mandatory minimum term of 5 years)
- * **Max. Fine:** \$250,000 fine and a \$5,000 special assessment

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NUMBER: 24-mj-8377-RMM

BOND RECOMMENDATION

DEFENDANT: JASON JAMES ATHA

Recommendation: Pre-Trial Detention
(Personal Surety) (Corporate Surety) (Cash) (Pre-Trial Detention)

By: *Gregory Schiller*
AUSA: Gregory Schiller

Last Known Address: _____

What Facility: _____

Agent(s): HSI SA Louise Miller
(FBI) (SECRET SERVICE) (DEA) (IRS) (ICE)