

THE STATE OF TEXAS

VS

DAVID ANTHONY BALSINGER

COMPLAINT

**ONLINE SOLICITATION OF A MINOR PC 33.021(b)
3RD DEGREE FELONY**

FILED

The 21st day of September 2017

JUDGE JAMES LIVELY

**JUSTICE OF THE PEACE
Hamilton County, Texas**

STATE'S WITNESS

JUSTIN CARAWAY

COPY

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

I, Justin Caraway, hereinafter referred to as Affiant, being duly sworn, do state upon my oath that I have good reason to believe and do believe based on the following information:

1. That I, Justin Caraway, am a certified peace officer under the laws of the State of Texas employed as Sheriff for the Hamilton County Sheriff's Office. Affiant has received training in the area of internet crimes against persons, namely online child exploitation, from the State of Texas Attorney General's Office. Through the course of criminal investigations and continuing law enforcement training, Affiant, learned subjects use social media sites to facilitate meetings, solicit subjects for sexual relationships, entice children to send sexually explicit images and or videos of themselves, further their criminal network and extort individuals through force, intimidation or deceptive practices. Training and experience would show underage children were commonly using dating sites reflecting their age as older than they actually were. However, through the course of conversations, Defendants would learn the true age of the child and continue to solicit and engage in sexually explicit chat. Furthermore, Defendants would commonly send nude photographs and videos of themselves to the child. Due to the rise in internet criminal activity, Affiant created numerous covert social media pages to monitor and apprehend Defendants involved in the aforementioned criminal activities.

2. On Wednesday, September 6, 2017 at 0903 hours Affiant was operating a covert KIK Messaging Application account as a youthful looking Caucasian female. Affiant received a message from KIK Username, bigballzz, screen name Big D. Through the course of conversation, Big D, would identify his location as Killeen, Texas. Big D would also provide a telephone number of (254,

3. Affiant conducted a search inquiry on the telephone number, (254) _____, via Whooster Plus. Said search results displayed the subscriber to be DAVID BALSINGER, hereinafter referred to as BALSINGER, of Killeen, Texas and AT&T Mobility as the provider. Affiant requested a detailed search inquiry on BALSINGER via Whooster Plus. The subsequent BALSINGER search provided the following information;
 - a. DAVID ANTHONY BALSINGER, D.O.P

 - b.

4. Affiant and BALSINGER would engage in conversation via text message. During the text messages Affiant would identify their age and geographical location as 15 years old and residing in Evant, Texas. BALSINGER would identify their age as 45. BALSINGER claimed he was a teacher and coach in Killeen, Texas. BALSINGER previously sent identifying photographs of himself via text message to the child;

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5. BALSINGER would identify he had two children ages “19 and 17”. Affiant would message “Oh they’re older than me lol”. BALSINGER would respond, “Yep”. Said statement corroborated BALSINGER knew he was engaging in conversation with a child at a minimum age younger than the age of seventeen (17). Furthermore, Affiant had previously informed BALSINGER he was conversing with a fifteen (15) year old child.

BALSINGER would later send a “💋” emoji to The child. The emoji is a representation of a heartfelt kiss.

6. BALSINGER would inquire if the child was seeing any boys in Evant. Affiant would express the boys in Evant were immature. BALSINGER would further inquire, “What are you going to do”, “About your boy situation”. Due to training and experience working online solicitation cases, Affiant knew this was the beginning of leading and grooming styled questions. Defendants would give the appearance they are the victim’s friend and genuinely cared for the victim. Affiant would proclaim they did not know what they were going to do. BALSINGER would respond, “You are cute” and “You seem like a smart girl”. BALSINGER would inquire about the child’s living situation regarding her parents. BALSINGER would inquire if the child’s guardian was “Protective”.

7. Affiant would respond to BALSINGER’s questions about what the child did for fun. Affiant would ask BALSINGER the same styled question. BALSINGER’s initial response was, “I’m not telling you”, “Naw it’s adult stuff”, “Don’t want to offend you.” Affiant inquired how BALSINGER would offend the child. BASLINGER immediately responded, “I like sex”.

”. Affiant responded, “I’ve never had that I guess :/, I don’t have a lot of experience”. BALSINGER messaged, “Maybe one day.” Due to prior investigations involving child exploitation, Affiant was aware BALSINGER’s reply was a leading statement with a typical outcome of the Defendant wanting to meet. BALSINGER would provide an explanation on how he performs sex on females.

8. On Tuesday, September 19, 2017 Affiant and BALSINGER would continuing text messaging. Affiant and BALSINGER would text message each other from 0632 hours to

2210 hours. BALSINGER sent a photograph which had the appearance of a faculty photograph.



BALSINGER explained he was teaching on said date and coaching a game that evening. Affiant would inquire if BASLINGER wanted to meet. BALSINGER responded in a series of messages, "Well, for one it's illegal", "You are 15 years old", "Plus, it would be immoral and irresponsible of me to take advantage of you and your situation." Affiant responded they would no longer bother BALSINGER. BALSINGER immediately responded, "You are not bothering me because I enjoy chatting with you." Due to training in the Child Exploitation field, Affiant knew it was not common for an adult to want to continue a text message conversation with a child, especially when sexually explicit messages were continuously sent to the child from the Defendant.

9. Affiant stated BASLINGER messaged, "Yeah, I probably shouldn't have divulged that information", "If you were 18 or older we may be having a different conversation", "Yeah, but you could be an undercover police officer...posing as a 15 year old." Affiant knew BALSINGER's statements were consistent with prior in a Defendant battling their moral compass. In prior child exploitation investigations, Defendant's consistently struggled with the likelihood of arrest. It was clear BALSINGER, was reaching said point in the text message chat.
10. At 1443 hours Affiant inquired what BALSINGER was doing. BASLINGER replied, "Thinking about you". Affiant asked what about. BALSINGER's response, "Send me a pic" Said message was of BALSINGER inducing the child, which he knew and or represented to be 15 years of age, to send an image which would be considered child pornography once possessed. Furthermore, BALSINGER was inducing a child to engage in a sexual performance, defined in Texas Penal Code 43.25;

"Sexual performance" means any performance or part thereof that includes sexual conduct by a child younger than 18 years of age.

"Sexual Conduct" means sexual contact, actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd

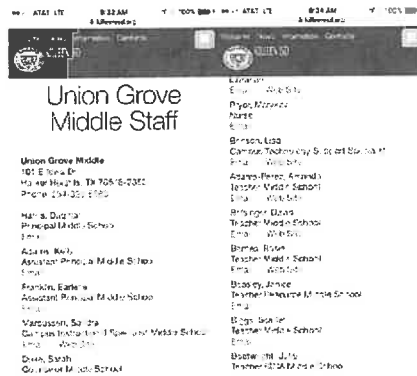
11. At 1917 hours Affiant would send BALSINGER a google image of the lower torso of a Caucasian female lying on a bed wearing a t-shirt with orange and gray underwear, to simulate the child. BALSINGER replied at 2043 hours, "Well you should send more", "You know different angles", "etc", "👄". The emoji sent by BALSINGER represented as kiss. BALSINGER would send a photograph of himself as 2045 hours,



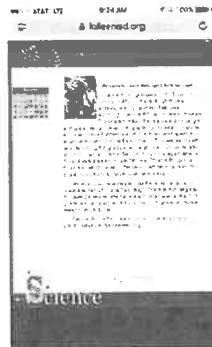
12. BALSINGER would message the child, "If you actually sent me nude pictures I might return the favor." It was clear BALSINGER was trying to induce the child to send nude photographs of them for BALSINGER's pleasure. Affiant explained they were scared because they could be shown to other people. BASLINGER's response,"Oh hell no, "That's not right", "For my eyes only". BALSINGER would further message, "Why would I show pictures of a 15 yo girl to my 45 yo friends". BALSINGER continued in a series of messages to induce and express influence for the child to send nude photographs of herself.
13. Affiant conducted a search inquiry for "David Balsinger" on the social media site, Facebook.com. Affiant located social media page, <https://www.facebook.com/david.balsinger.3>. Said page displayed images identical to BALSINGER. Furthermore, Affiant located images in the Facebook "Photos" portion of the page previously sent to Affiant in a text message conversation. Said page identified BALSINGER being employed at Union Grove Middle School;



14. Affiant conducted a search inquiry on the Killeen ISD website. Affiant located a Middle School with the name “Union Grove Middle School”. Affiant searched the faculty list and located, “Balsinger, David, Teacher Middle School”;



Affiant opened the website link provided under BALSINGER’s name on the Killeen ISD webpage,



Affiant observed the children in the photograph were identical to the children displayed on BALSINGER’s Facebook.com social media page.

15. It was shown through the course of the conversation that BALSINGER was clearly communicating in a sexually explicit manner with a minor, defined in Texas Penal Code Chapter 33.021, Online Solicitation of a Minor,

“Minor” means: an individual who is younger than 17 years of age; or an individual whom the actor believes to be younger than 17 years of age.

16. Affiant conducted a search inquiry via the Texas DPS Image Retrieval System for the name “David Balsinger”. Affiant located one result with the entered search fields. Affiant found the address listed on the driver’s license as 602 Lantana Street, Harker Heights, Texas 76548. Said address was the same address provided in the Whooster Plus search inquiry on telephone number



Also, the driver’s license photograph of BALSINGER was identical to photographs located on Facebook.com and photographs sent via text message;



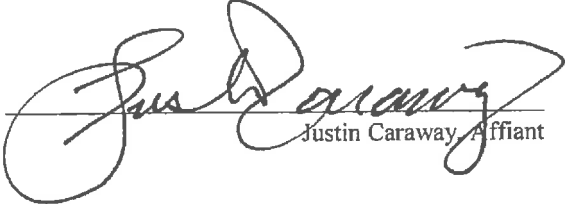
17. On Wednesday, September 20, 2017 Affiant obtained a search and seizure warrant for BALSINGER’s electronic devices. Said warrant was issued by 220th Judicial District Judge Phil Robertson. Affiant, along with other HCSO Criminal Investigators, traveled to Union Grove Middle School, located at 101 East Iowa Drive, Harker Heights, TX 76548. Affiant would conduct a non-custodial interview with BALSINGER at Union Grove. During the interview, BALSINGER admitted he was in contact with a female he knew/believed to be 15 years of age. BALSINGER corroborated KIK username, “bigdballzz”. BALSINGER confirmed he sent text messages describing how he performed oral sex on females. Furthermore, BALSINGER admitted he sent the text message, “send me a pic of you”. BALSINGER confirmed he induced the child to

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send the nude photographs of her vagina in an effort to validate her age. BALSINGER confirmed he knew it was wrong to solicit nude photographs from a child. Also, BALSINGER agreed he committed a crime by soliciting nude photographs of the child and communicating with the child in a sexually explicit manner.

AND I CHARGE THAT HERETOFORE, AND BEFORE THE MAKING AND FILING OF THIS COMPLAINT ON OR ABOUT THE 19TH DAY OF SEPTEMBER 2017, IN THE COUNTY OF HAMILTON AND STATE OF TEXAS, **DAVID ANTHONY BALSINGER**, DEFENDANT, WAS A PERSON OVER THE AGE OF SEVENTEEN (17) WITH THE INTENT TO COMMIT AN OFFENSE LISTED IN ARTICLE 62.001 (5)(A), (B), OR (K), CODE OF CRIMINAL PROCEDURE, THE PERSON, OVER THE INTERNET, BY ELECTRONIC MAIL OR TEXT MESSAGE OR OTHER ELECTRONIC MESSAGE SERVICE OR SYSTEM, OR THROUGH A COMMERCIAL ONLINE SERVICE, INTENTIONALLY COMMUNICATES IN A SEXUALLY EXPLICIT MANNER WITH A MINOR, AGAINST THE PEACE AND DIGNITY OF THE STATE.


Justin Caraway, Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY JUSTIN CARAWAY, a credible person, this 21st day of September, 2017.


Judge James Lively
Justice of the Peace
Hamilton County, Texas



David Anthony Balsinger
WM 05/05/1971



WARRANT OF ARREST
NO. 66405

THE STATE OF TEXAS

TO ANY SHERIFF, CONSTABLE OR PEACE OFFICER, GREETING:

You are hereby commanded to arrest **DAVID ANTHONY BALSINGER**, if to be found in your County and bring him before me, a Justice of the Peace in and for Precinct No. 1, of Hamilton County, Texas, at my office in Hamilton County Courthouse Hamilton, Texas, in said County, Immediately, then and there to answer the State to-wit:

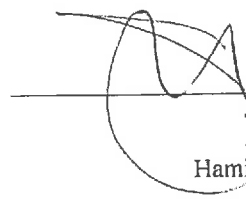
ONLINE SOLICITATION OF A CHILD PC33.021 (b) – 3RD DEGREE FELONY

of which offense he, **DAVID ANTHONY BALSINGER**, is accused by the written complaint, under oath, of Justin Caraway filed before me.

Herein fail not, but of this writ make due return, showing how you have executed the same.

Witness my official signature, this 21 day of September, 2017.

Recommended Bond: \$0,000



Judge James Lively
Justice of the Peace
Hamilton County, Texas

SHERIFF'S OR CONSTABLE'S RETURN

Came to hand the 21 day of September, 2017 at 1201 o'clock P.M., and executed the _____ day of _____, 2017 at _____ o'clock _____ M., by arresting the within named **DAVID ANTHONY BALSINGER**, at _____, in _____ County, Texas. I traveled _____ miles in serving this writ.

Fees – Making Arrest \$ _____ Justin Caraway - Sheriff,
Mileage \$ _____ Hamilton County, Texas
Taking Bond \$ _____
Commitment \$ _____
Release \$ _____
Total \$ _____ By: _____ Deputy

Offense Date: 09/19/2017

Address: 602 Lantana Street
Harker Height, Texas 76548



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