

Approved: Ambroswood
AMY GARZON/ANDREA GRISWOLD
Assistant United States Attorneys

Before: HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York

13 MAG 2399

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SEALED COMPLAINT

UNITED STATES OF AMERICA :
 :
 - v. - :
 :
 ELFEGO BOYD, :
 a/k/a "Kush da Dawn," and :
 NORMAN DARBY, :
 a/k/a "Panama Black," :
 a/k/a "Black," :
 :
 Defendants. :
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Violation of
18 U.S.C. §§ 1591(a) &
(b)(2), 1594(c), 1952 & 2

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

BRIAN CONOLLY, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(Conspiracy to Commit Sex Trafficking)

1. From in or about September 2010, up to and including in or about June 2012, in the Southern District of New York and elsewhere, ELFEGO BOYD, a/k/a "Kush da Dawn," and NORMAN DARBY, a/k/a "Panama Black," a/k/a "Black," the defendants, and others known and unknown, willfully and knowingly, in and affecting interstate commerce, did combine, conspire, confederate and agree to recruit, entice, harbor, transport, provide, obtain, and maintain by any means a person, and to benefit, financially and by receiving anything of value, from participation in a venture which has engaged in any such act, knowing and in reckless disregard of the fact that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act, in violation of Title 18, United States Code, Sections 1591(a)(1) and (b)(2), to wit, BOYD, DARBY and others known and unknown recruited, enticed, transported,

provided and maintained individuals who were less than 18 years-old (the "Minor Victims"), and caused the Minor Victims to engage in commercial sex acts that benefitted BOYD and DARBY financially.

OVERT ACTS

2. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about September 2010, NORMAN DARBY, a/k/a "Panama Black," a/k/a "Black," the defendant, in the Bronx, New York, caused an advertisement to be posted on the classifieds website Backpage.com, offering to provide for commercial sex an individual under the age of 18 years old.

b. In or about March 2011, ELFEGO BOYD, a/k/a "Kush da Dawn," the defendant, in the Bronx, New York, caused an advertisement to be posted on the classifieds website Backpage.com, offering to provide for commercial sex an individual under the age of 18 years old.

c. In or about April 2012, BOYD, in the Bronx, New York, caused an advertisement to be posted on the classifieds website Backpage.com, offering to provide for commercial sex an individual under the age of 18 years old.

(Title 18, United States Code, Section 1594(c).)

COUNT TWO

(Sex Trafficking of Minor Victim-1)

3. From in or about September 2010, up to and including in or about November 2011, in the Southern District of New York and elsewhere, ELFEGO BOYD, a/k/a "Kush da Dawn," and NORMAN DARBY, a/k/a "Panama Black," a/k/a "Black," the defendants, willfully and knowingly, in and affecting interstate commerce, did recruit, entice, harbor, transport, provide, obtain, and maintain, by any means a person, and did benefit, financially and by receiving anything of value, from participation in a venture which has engaged in any such act, knowing and in reckless disregard of the fact that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act, to wit, BOYD and DARBY recruited, enticed, transported, provided and maintained an individual who was less

than 18 years old ("Minor Victim-1"), and caused Minor Victim-1 to engage in at least one commercial sex act that benefitted BOYD and DARBY financially.

(Title 18, United States Code, Sections 1591(a) and (b)(2) and 2.)

COUNT THREE

(Sex Trafficking of Minor Victim-2)

4. From in or about April 2012, up to and including in or about May 2012, in the Southern District of New York and elsewhere, ELFEGO BOYD, a/k/a "Kush da Dawn," the defendant, willfully and knowingly, in and affecting interstate commerce, did recruit, entice, harbor, transport, provide, obtain, and maintain, by any means a person, and did benefit, financially and by receiving anything of value, from participation in a venture which has engaged in any such act, knowing and in reckless disregard of the fact that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act, to wit, BOYD recruited, enticed, transported, provided and maintained an individual who was less than 18 years old ("Minor Victim-2"), and caused Minor Victim-2 to engage in at least one commercial sex act that benefitted BOYD financially.

(Title 18, United States Code, Sections 1591(a) and (b)(2) and 2.)

COUNT FOUR

(Sex Trafficking of Minor Victim-3)

5. From in or about April 2012, up to and including in or about June 2012, in the Southern District of New York and elsewhere, ELFEGO BOYD, a/k/a "Kush da Dawn," the defendant, willfully and knowingly, in and affecting interstate commerce, did recruit, entice, harbor, transport, provide, obtain, and maintain, by any means a person, and did benefit, financially and by receiving anything of value, from participation in a venture which has engaged in any such act, knowing and in reckless disregard of the fact that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act, to wit, BOYD recruited, enticed, transported, provided and maintained an individual who was less than 18 years old ("Minor Victim-3"), and caused Minor Victim-3

to engage in at least one commercial sex act that benefitted BOYD financially.

(Title 18, United States Code, Sections 1591(a) and (b)(2) and 2.)

COUNT FIVE

(Use of Interstate Commerce to Promote Unlawful Activity)

6. From at least in or about March 2011, up to and including in or about November 2011, in the Southern District of New York and elsewhere, ELFEGO BOYD, a/k/a "Kush da Dawn," and NORMAN DARBY, a/k/a "Panama Black," a/k/a "Black," the defendants, did use and cause to be used facilities in interstate and foreign commerce, with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, and thereafter performed and attempted to perform an act to promote, manage, establish and carry on, and to facilitate the promotion, management, establishment and carrying on of such unlawful activity, to wit, BOYD and DARBY used cell phones and the internet to promote, manage, establish and carry on a criminal business enterprise engaged in sex trafficking and promoting prostitution in violation of New York Penal Law §§ 230.20 and 230.34.

(Title 18, United States Code, Section 1952(a)(3) and 2.)

COUNT SIX

(Use of Interstate Commerce to Promote Unlawful Activity)

7. From at least in or about April 2012, up to and including in or about June 2012, in the Southern District of New York and elsewhere, ELFEGO BOYD, a/k/a "Kush da Dawn," the defendant, did use and cause to be used facilities in interstate and foreign commerce, with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, and thereafter performed and attempted to perform an act to promote, manage, establish and carry on, and to facilitate the promotion, management, establishment and carrying on of such unlawful activity, to wit, BOYD used cell phones and the internet to promote, manage, establish and carry on a criminal business enterprise engaged in sex trafficking and promoting prostitution in violation of New York Penal Law §§ 230.20 and 230.34.

(Title 18, United States Code, Section 1952(a)(3) and 2.)

The bases for my knowledge and the foregoing charge are, in part, as follows:

8. I am a Special Agent with the Federal Bureau of Investigation, and I have been personally involved in the investigation of this matter. I am currently assigned to a squad that is responsible for investigating, among other crimes, sex trafficking, in violation of Title 18, United States Code, Sections 1591 and 1594, and related crimes involving the sexual exploitation of minors. This affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with law enforcement agents and other individuals. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Domestic Sex Trafficking of Minors

9. Based on my training and experience, I am familiar with the common dynamics involved in the operation of sex trafficking, including the specific type of trafficking where pimps recruit minor victims and cause them to engage in prostitution, including by targeting minor runaways and establishing and maintaining communication with minor victims, including through the use of cell phones, Facebook and other forms of social media.

10. I know that "Backpage.com" is a classifieds website commonly used by sex traffickers and individuals working as pimps to advertise women and girls for commercial sex. To evade detection by law enforcement, such advertisements typically purport to be offering women and girls as escorts, and are posted under escort services in the adult entertainment section of the Backpage website. However, such advertisements will often signal that they are, in fact, offering women for commercial sex through a variety of cues, including pictures of scantily-clad women and girls in sexually provocative poses, and coded language insinuating that the women and girls being offered will perform commercial sex acts.

The Investigation

Minor Victim-1

11. I along with other law enforcement agents have interviewed a minor girl ("Minor Victim-1") who was repeatedly caused to engage in prostitution by ELFEGO BOYD, a/k/a "Kush da Dawn," and NORMAN DARBY, a/k/a "Panama Black," the defendants. Based on those interviews, I have learned, in substance and in part, the following:

a. In approximately September 2010, Minor Victim-1, who was approximately 15 years old at the time, first met BOYD in Times Square, New York after running away from Pennsylvania to New York City. BOYD, who introduced himself as "Kush da Dawn," asked Minor Victim-1 if she wanted to prostitute for him and she agreed. While staying with BOYD, Minor Victim-1 also met DARBY, who introduced himself as "Black." Both BOYD and DARBY placed advertisements Offering Minor Victim-1 for sex on Backpage.com. The ads did not receive any responses and Minor Victim-1 left New York City and returned to Pennsylvania a short while later.

b. In the spring of 2011, Minor Victim-1 traveled from Pennsylvania to New York City where she again encountered ELFEGO BOYD, a/k/a "Kush da Dawn," the defendant, and stayed at his apartment on Decatur Avenue in the Bronx, New York. BOYD told Minor Victim-1 that he loved her and that they were boyfriend-girlfriend. BOYD then posted advertisements offering Minor Victim-1 for sex on Backpage.com in exchange for money. At BOYD's direction, Minor Victim-1 engaged in sex acts with multiple men responding to these advertisements. On each occasion, Minor Victim-1 gave all of the proceeds of the commercial sex to BOYD.

c. Later, BOYD took Minor Victim-1 to a house on Locust Street (the "Locust Street House") in Long Island where she stayed along with BOYD, a man who Minor Victim-1 knew as "Black," who was later identified as NORMAN DARBY, a/k/a "Panama Black," a/k/a "Black," the defendant, through photo identification by Minor Victim-1, and another co-conspirator not named herein ("CC-1"). Minor Victim-1 stayed at the Locust Street House for approximately several months during which time DARBY and Minor Victim-1 posted advertisements offering Minor Victim-1 for sex on Backpage.com. At BOYD's and DARBY's direction, Minor Victim-1 engaged in commercial sex acts with men responding to the advertisements. During this time, BOYD,

DARBY and CC-1 drove Minor Victim-1 to hotels in the vicinity of the Locust Street house to engage in sex acts with men responding to the Backpage.com advertisements offering Minor Victim-1 for sex. Minor Victim-1 always gave all of the money paid to her for commercial sex to BOYD. Minor Victim-1 saw BOYD give the money to DARBY, who Minor Victim-1 understood was BOYD's manager.

d. DARBY and Minor Victim-1 typically paid for the Backpage.com advertisements using prepaid "Vanilla Visa" debit cards.¹ On several occasions, BOYD gave Minor Victim-1 a card issued by Chase Bank in his name, Elfego Boyd, to pay for the Backpage.com advertisements offering Minor Victim-1 for commercial sex.

e. After several months at the Locust Street House, BOYD returned to New York City with Minor Victim-1. At BOYD's direction, Minor Victim-1 continued to engage in sex acts with men responding to Backpage.com advertisements offering Minor Victim-1 for commercial sex. Minor Victim-1 continued to give all of the money paid to her to BOYD.

f. Minor Victim-1, who turned sixteen years old during the period she was being offered for sex by BOYD and DARBY, told BOYD her age on one or more occasions.

g. In or about November 2011, after getting into an argument with BOYD, Minor Victim-1 ran away from BOYD.

12. A review of Chase Bank records and an account in the name "Elfego Boyd," believed to be used by ELFEGO BOYD, a/k/a "Kush da Dawn," the defendant, during the 2011 time period during which Minor Victim-1 was victimized by BOYD and NORMAN DARBY, a/k/a "Panama Black," a/k/a "Black," the defendant, reflects multiple purchases from Backpage.com.

13. In approximately November 2011, after Minor Victim-1 ran away from ELFEGO BOYD, a/k/a "Kush da Dawn," and NORMAN DARBY, a/k/a "Panama Black," a/k/a "Black," the defendants, each separately contacted Minor Victim-1 on Facebook. From reviewing Minor Victim-1's Facebook account, I learned, in sum and substance, the following:

a. BOYD solicited Minor Victim-1 to return to work

¹ Vanilla Visa debit cards are prepaid debit cards sold primarily at convenience stores.

for him as a prostitute. Minor Victim-1, who was sixteen at the time, made statements to BOYD making it clear she was still a minor, including that she was in foster care.

b. In discussing the prior prostitution engaged in by Minor Victim-1 at the direction of BOYD and DARBY, DARBY stated that "[BOYD] know I was the brains to this." DARBY then solicited Minor Victim-1 to return to work for him as a prostitute.

14. In the Spring of 2013, when Minor Victim-1 was visiting New York City with her guardian, Minor Victim-1 encountered BOYD. BOYD told Minor Victim-1, in sum and substance, that he was is still prostituting girls by posting advertisements on Backpage.com and "Kik," a text-messaging interface.

15. In September 2013, ELFEGO BOYD, a/k/a "Kush da Dawn," the defendant, sent text messages to Minor Victim-1. Based on my review of the text messages, I learned, in sum and substance, that BOYD solicited Minor Victim-1, eighteen years old at the time of the communications, to return to work for him as a prostitute.

Minor Victim-2 and Minor Victim-3

16. On or about May 30, 2012, I and members of the New York City Police Department ("NYPD") received a call from a hospital regarding a fifteen-year old girl who was possibly the victim of sex trafficking ("Minor Victim-2"). Based on speaking with Minor Victim-2, I learned the following:

a. Minor Victim-2 was fifteen years old at all times relevant to this Complaint.

b. Minor Victim-2, along with another female who was seventeen years old ("Minor Victim-3") (collectively, the "Oklahoma Victims") met an individual who identified himself as "Kush da Dawn" in Manhattan.

c. Minor Victim-2 identified a known photograph of ELFEGO BOYD, a/k/a "Kush da Dawn," the defendant, as the individual who introduced himself as "Kush da Dawn."

d. BOYD took the Oklahoma Victims to an apartment located on Decatur Avenue in the Bronx. BOYD lives in the building across the street on Decatur Avenue.

e. BOYD took pictures of the Oklahoma Victims and posted the pictures in advertisements on Backpage.com offering the Oklahoma Victims for sex in exchange for money.

f. The Oklahoma Victims engaged in commercial sex acts with several men who responded to the Backpage.com advertisements posted by BOYD.

g. BOYD collected the money paid by the men for the commercial sex acts, took half of it, and gave the other half to the Oklahoma Victims.

17. Based on my review of NYPD reports of law enforcement officers who interviewed Minor Victim-3, I have learned, in substance and in part, the following:

a. Minor Victim-3 was seventeen years old at all times relevant to the Complaint.

b. The Oklahoma Victims met an individual who identified himself as "Kush da Dawn" in Manhattan.

c. Minor Victim-3 identified a known photograph of ELFEGO BOYD, a/k/a "Kush da Dawn," the defendant, as the individual who introduced himself as "Kush da Dawn."

d. BOYD told the Oklahoma Victims he had "connections" and could help them rent a room at a hotel. Instead, BOYD took the Oklahoma Victims to an apartment on Decatur Avenue in the Bronx.

e. BOYD took pictures of the Oklahoma Victims in lingerie he provided and posted the pictures in advertisements on Backpage.com offering the Oklahoma Victims for sex in exchange for money.

f. At Boyd's direction, the Oklahoma Victims engaged in commercial sex acts with several men, who responded to the Backpage.com advertisements posted by BOYD.

g. BOYD took half of the money paid by the men for the commercial sex acts with the Oklahoma Victims.

h. Minor Victim-3 informed BOYD that she was seventeen years old at the time he was offering to provide her for commercial sex. In response, BOYD told Minor Victim-3 that

he was the only one who needed to know she was seventeen years old.

18. Based on the information set forth above, I respectfully submit that there is probable cause to believe that (a) in 2011, ELFEGO BOYD, a/k/a "Kush da Dawn," and NORMAN DARBY, a/k/a "Panama Black," a/k/a "Black," the defendants, utilized Backpage.com to place advertisements offering one or more minors for commercial sex; and (b) in 2012, BOYD again utilized Backpage.com to place advertisements offering one or more minors for commercial sex.

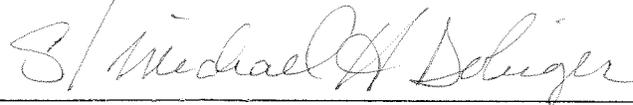
CONCLUSION

WHEREFORE, the deponent respectfully requests that a warrant issue for the arrests of ELFEGO BOYD, a/k/a "Kush da Dawn," and NORMAN DARBY, a/k/a "Panama Black," a/k/a "Black," the defendants, and that they be imprisoned, or bailed, as the case may be.



BRIAN CONOLLY
Special Agent
Federal Bureau of Investigation

Sworn to before me this
7th day of October, 2013



HONORABLE ~~GABRIEL W. GORENSTEIN~~
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

HON. MICHAEL W. DOLINGER
United States Magistrate Judge
Southern District of New York

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America
v.
ELFEGO BOYD,
a/k/a "Kush da Dawn,"

Case No. 13 MAG 2399

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) ELFEGO BOYD, a/k/a "Kush da Dawn,"
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

18 U.S.C. Sections 1591(a) and (b)(2), 1594(c), 1952 and 2

Conspiracy to Commit Sex Trafficking of Minors, Sex Trafficking of Minors, Use of Interstate Commerce to Promote Unlawful Activity

Date: 10/07/2013

Issuing officer's signature

HON. MICHAEL H. DOLINGER

Hon. Gabriel W. Korenstein, J.C.

Southern District of New York

City and state: New York, NY

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

NORMAN DARBY,
a/k/a "Panama Black,"
a/k/a "Black,"

Case No.

13 MAG 2399

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) NORMAN DARBY, a/k/a "Panama Black," a/k/a "Black," who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

18 U.S.C. Sections 1591(a) and (b)(2), 1594(c), 1952 and 2

Conspiracy to Commit Sex Trafficking of Minors, Sex Trafficking of Minors, Use of Interstate Commerce to Promote Unlawful Activity

Date: 10/07/2013

S/ Michael H. Dolinger
Issuing officer's signature

City and state: New York, NY

HON. MICHAEL H. DOLINGER
Hon. Gabriel W. Gorenstein
Printed name and title
SOUTHERN DISTRICT OF NEW YORK

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____ at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title