

Approved: Sagar **15 MAG 4156**  
CHRISTOPHER J. DIMASE/SAGAR K. RAVI  
Assistant United States Attorneys

Before: HONORABLE DEBRA FREEMAN  
United States Magistrate Judge  
Southern District of New York

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SEALED COMPLAINT

UNITED STATES OF AMERICA :  
 :  
 - v. - : Violations of  
 : 18 U.S.C. §§ 1591(a) &  
 : (b) (2), 1594(c), 1952,  
 DAVID HOPE, : 922(g) (1) and 2  
 a/k/a "Capo," and :  
 KEMAR WILLIAMS, : COUNTY OF OFFENSE:  
 : BRONX  
 Defendants. :

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SOUTHERN DISTRICT OF NEW YORK, ss.:

STACY E. SHAHRANI, 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  
(Sex Trafficking Conspiracy)

1. From at least in or about 2013, up to and including in or about November 2015, in the Southern District of New York and elsewhere, DAVID HOPE, a/k/a "Capo," and KEMAR WILLIAMS, the defendants, and others known and unknown, willfully and knowingly, in and affecting interstate and foreign commerce, did combine, conspire, confederate and agree to recruit, entice, harbor, transport, provide, obtain, maintain, advertise, patronize, and solicit by any means a person, 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, and that means of force, threats of force, fraud, coercion described in Title 18, United States Code, Section 1591(e) (2), and any combination of such means would be used to cause the person to engage in a commercial sex act, and to benefit, financially and by receiving anything of value, from participation in a venture which has engaged in any such act, in

violation of Title 18, United States Code, Sections 1591(a), (b)(1) and (b)(2), to wit, HOPE, WILLIAMS, and others known and unknown recruited, enticed, harbored, transported, provided, maintained, and advertised individuals who were less than 18 years old who were caused to engage in commercial sex acts, and individuals who were caused to engage in commercial sex acts by means of force, threats of force, and coercion, for the benefit of HOPE and WILLIAMS.

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

COUNT TWO

(Sex Trafficking of Minor Victim-1)

2. From at least in or about 2013, up to and including at least in or about October 2015, in the Southern District of New York and elsewhere, DAVID HOPE, a/k/a "Capo," and KEMAR WILLIAMS, the defendants, willfully and knowingly, in and affecting interstate and foreign commerce, did recruit, entice, harbor, transport, provide, obtain, maintain, advertise, patronize, and solicit 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, HOPE and WILLIAMS recruited, enticed, harbored, transported, provided, maintained, and advertised an individual who was less than 18 years old ("Minor Victim-1"), who was then caused to engage in at least one commercial sex act that benefitted HOPE and WILLIAMS financially.

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

COUNT THREE

(Sex Trafficking of Minor Victim-2)

3. In or about 2015, in the Southern District of New York and elsewhere, DAVID HOPE, a/k/a "Capo," and KEMAR WILLIAMS, the defendants, willfully and knowingly, in and affecting interstate and foreign commerce, did recruit, entice, harbor, transport, provide, obtain, maintain, advertise, patronize, and solicit 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, HOPE and WILLIAMS recruited, enticed, harbored, transported, provided, maintained, and advertised an individual who was less than 18 years old ("Minor Victim-2"), and who was then caused to engage in at least one commercial sex act that benefitted HOPE and WILLIAMS financially.

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

COUNT FOUR

(Use of Interstate Commerce to Promote Unlawful Activity)

4. From at least in or about 2013, up to and including in or about November 2015, in the Southern District of New York and elsewhere, DAVID HOPE, a/k/a "Capo," 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, HOPE used cellular phones and the Internet, and traveled interstate, 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, Sections 1952(a)(3) and 2.)

COUNT FIVE

(Felon in Possession)

5. On or about January 16, 2015, in the Southern District of New York and elsewhere, DAVID HOPE, a/k/a "Capo," the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce a firearm, to wit, a defaced nine-millimeter Ruger semi-automatic pistol and 13 nine-millimeter cartridges, which had previously been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Sections 922(g)(1) and 2.)

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

6. I am a Special Agent with the FBI, 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 and conspiracy to engage in 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

7. Based on my training and experience, I am familiar with the common dynamics involved in domestic sex trafficking, in which traffickers and their adult and minor victims typically are United States nationals. I am also familiar with the means and methods typically used by such sex traffickers.

8. Such sex traffickers typically recruit vulnerable minor victims who lack education, a stable home, family support, and who have suffered past physical and emotional trauma. Sex traffickers often exploit their minor victims' need for shelter, stability, and affection as a means to sexually exploit their victims for their own financial gain. Similarly, such sex traffickers or pimps often prey on young adult women who suffer many of the same vulnerabilities.

9. Once domestic sex traffickers have recruited their victims, they typically advertise them on websites dedicated to "escort" services and on classifieds websites such as Backpage.com ("Backpage"). I know that Backpage is a classifieds website that, among other things, is commonly used by sex traffickers and others to advertise women, men, girls, and boys for commercial sex. To evade detection by law enforcement, such advertisements are posted in the adult entertainment section of Backpage and purport to be offering

individuals as mere escorts. However, such advertisements will often signal that they are, in fact, offering individuals for sale for commercial sex acts through a variety of cues, including pictures of scantily-clad women and minor girls in sexually provocative poses, with coded language indicating that the people being offered will perform commercial sex acts. These Backpage advertisements typically contain a callback phone number that potential customers may text or call in order to respond to the advertisement and set up an appointment for commercial sex. To prevent Backpage from screening an advertisement offering a minor for sale for commercial sex, domestic sex traffickers ensure that the advertisement displays an age of 18 or older for the person being offered for sale, otherwise Backpage would refuse to publish the advertisement.

10. It is also common for domestic sex traffickers to set rules for their victims, control their actions, and take their earnings. Often, if a victim violates one of the rules set by a sex trafficker, punishment is meted out in the form of physical violence. A violation of the rules could include, among other things, failing to answer the traffickers' phone calls, leaving the area where the victim is supposed to be soliciting or servicing customers, not making enough money for the day, or holding back money from the sex trafficker.

11. Domestic sex traffickers typically offer their victims for sale in apartments or houses and in motels. They often provide their victims with cell phones to use to answer calls from potential customers, and often communicate with their victims by cell phone. Advertisements on Backpage and other websites are typically posted via cell phone (either from the traffickers' phones, or from the victims' phones at the traffickers' direction). Customers typically pay in cash. All or most of the victims' earnings from engaging in commercial sex are then taken by the traffickers.

### The Hope Sex Trafficking/Prostitution Enterprise

12. As described in more detail below, between 2013 and November 2015, DAVID HOPE, a/k/a "Capo," the defendant, along with others known and unknown, operated a criminal business, the purpose of which was sexually exploiting vulnerable girls and young women for his own profit. HOPE employed myriad tactics to recruit and maintain the girls and young women he sold for sex and, in some cases, involved in robberies. HOPE, who was known to carry a firearm, used manipulation, intimidation, coercion, threats, and violence to control his victims. HOPE traveled

interstate and used cell phones and the Internet to run his criminal business, which exploited numerous girls and young women.

2013-2014: Adult Victim-1, Minor Victim-1, and Minor Victim-3

13. I along with other law enforcement agents have interviewed a female individual ("Adult Victim-1") who was caused to engage in prostitution by DAVID HOPE, a/k/a "Capo," the defendant.<sup>1</sup> Based on an interview of Adult Victim-1, I have learned the following, in substance and in part:

a. At all times relevant to this Complaint, HOPE was a wheelchair-bound paraplegic who was unable to use the lower part of his body and had full use of his upper body.<sup>2</sup> Since at least in or around 2013, HOPE directed and conducted a sex trafficking/prostitution enterprise (the "Enterprise") at his apartment located at a known address in the Bronx, New York (the "Hope Apartment").

b. HOPE typically recruited minors who looked up to him to participate in the Enterprise as well as other criminal activity, including robberies. HOPE was known as "Capo" to Adult Victim-1 and others.

c. Adult Victim-1, Minor Victim-1 and a girl Adult Victim-1 believed to have been a minor ("Minor Victim-3") all were caused to work in prostitution by HOPE. HOPE knew that Minor Victim-1 and Minor Victim-3 were attending high school when HOPE caused them to engage in prostitution.

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<sup>1</sup> Adult Victim-1 was convicted of and sentenced for a crime and is providing information to law enforcement in the hope of receiving post-sentencing leniency. Information provided by Adult Victim-1 has proven reliable and has been corroborated by, among other things, information known to law enforcement by other means, some of which is described herein.

<sup>2</sup> Based on my review of emails from the Hope Gmail Email (defined *infra*) obtained pursuant to a court-authorized search warrant, I understand that HOPE attributed his injuries to a shooting. In or around 2013, including during the time period relevant to this Complaint, HOPE appeared in a series of anti-gun public service announcements on billboards in or around New York City.

d. On at least two occasions, HOPE physically beat Adult Victim-1 using his upper body. On at least one occasion, HOPE threatened Adult Victim-1 with a firearm.

e. HOPE regularly used Backpage to advertise young women and girls for commercial sex. HOPE drafted advertisements, chose the sexually provocative photos used in the advertisements, and posted the advertisements using his personal email address and smartphone. On some occasions, HOPE directed Adult Victim-1 to post advertisements for commercial sex on Backpage.

f. Adult Victim-1 answered telephone calls and text messages from potential customers responding to the Backpage advertisements for commercial sex posted by HOPE. HOPE instructed Adult Victim-1 to ask any customers the following questions: (1) "Are you affiliated with law enforcement?"; (2) "Are you a pimp?"; (3) "How can I help you?"; (4) "What are you looking for?" HOPE also instructed Adult Victim-1 to answer all calls on speakerphone so that HOPE could listen to and analyze the calls, possibly for law enforcement.

g. Adult Victim-1 provided customers with the following rates for commercial sex, which were set by HOPE and based on the length of time that a customer may engage in commercial sex (except anal-related acts) and the number of women and/or girls involved:

- One woman or minor female
  - o 15 minutes - \$60.00
  - o 30 minutes - \$80.00
  - o 1 hour - \$150.00
- Two women or minor females
  - o 15 minutes - \$100.00
  - o 30 minutes - \$180.00

h. If a customer was interested in purchasing sex, Adult Victim-1, acting at HOPE's direction, typically instructed the customer to come to the intersection of Tryon Avenue and East Gun Hill Road in the Bronx, New York, which is near the Hope Apartment, and to call back when the customer was at the intersection. Once the customer arrived at that intersection, Adult Victim-1 provided the customer with the address and buzzer number for the Hope Apartment.

i. When a customer arrived at the Hope Apartment, Adult Victim-1 would escort the customer to a room that was enclosed by a curtain and which contained condoms and alcohol and had music playing ("Room-1"). Adult Victim-1 then discussed with the customer the length and type of commercial sex acts requested. The customer was always required to pay the woman and/or girl who was engaging in prostitution in advance of any sexual contact, and all money received from customers was given to HOPE. The amount of money that Minor Victim-1 and Minor Victim-3 would receive from HOPE for engaging in prostitution was at HOPE's discretion.

j. In the event that Room-1 of the Hope Apartment was occupied by a customer and another customer had arrived at the Hope Apartment, another room in the Hope Apartment was set aside as a waiting area with chairs and some alcohol.

k. Adult Victim-1 earned thousands of dollars for HOPE by engaging in prostitution. For example, Adult Victim-1 earned \$6,000 over a four-day period by engaging in prostitution, which she gave to HOPE.

l. HOPE typically was present in the Hope Apartment with another man ("CC-1") while women and girls engaged in prostitution in the living room. HOPE and CC-1 were also known to each carry a firearm on their persons. HOPE has concealed a firearm under the cushion of his wheelchair and in special compartments of his wheelchair that HOPE used to stash weapons. In addition, HOPE has slept on top of firearms in his bed.

#### 2014: Adult Victim-2

14. I along with other law enforcement agents have interviewed an individual ("Adult Victim-2") who was caused to engage in prostitution by DAVID HOPE, a/k/a "Capo," the defendant. Based on the interview of Adult Victim-2, I have learned the following, in substance and in part:

a. In or around 2014, HOPE contacted Adult Victim-2. Adult Victim-2 stayed with HOPE at the Hope Apartment because Adult Victim-2 was homeless. Adult Victim-2 observed that there were many girls coming and going in the Hope Apartment.

b. HOPE posted an advertisement for commercial sex on Backpage that contained pictures of Adult Victim-2 in sexually provocative poses. In order to pay for the Backpage



advertisement, HOPE instructed CC-1 to purchase a prepaid card at a local store.

c. Adult Victim-2 used HOPE's phone to answer telephone calls from potential customers responding to the Backpage advertisement. HOPE typically had two to three phones on his person and sometimes used the phone of CC-1.

d. Adult Victim-2 engaged in prostitution in the Hope Apartment while HOPE was present on at least one occasion. Specifically, Adult Victim-2 engaged in prostitution in the HOPE apartment with two separate customers and earned approximately \$100. HOPE subsequently took \$20 from Adult Victim-2 as his share.

e. When one customer decided to not to engage in commercial sex with Adult Victim-2 because the customer voiced dissatisfaction with the appearance of Adult Victim-2, HOPE berated and yelled at Adult Victim-2.

f. After Adult Victim-2 no longer lived in the Hope Apartment, HOPE contacted Adult Victim-2 to go a motel on East Gun Hill Road in the Bronx, New York to engage in prostitution.

g. Adult Victim-2 recognized a photo of Minor Victim-1 and stated that Minor Victim-1 was at the HOPE Apartment on many occasions.

2015: Minor Victim-2, Minor Victim-4, and Adult Victim-3

15. I along with other law enforcement agents have interviewed a cooperating witness (the "CW") who, prior to his cooperation with law enforcement, paid for and engaged in commercial sex acts in the Hope Apartment.<sup>3</sup> Based on the interviews of the CW, I have learned the following, in substance and in part:

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<sup>3</sup> The CW has been charged with a criminal offense and is providing information to law enforcement in hopes of receiving a cooperation agreement and leniency at sentencing. Information provided by the CW has proven to be reliable and has been corroborated by, among other things, information known to law enforcement by other means, some of which is described herein.

a. In or around 2015, the CW learned that he could have sex for money at the Hope Apartment from a relative (the "CW Relative"), who was aware that the Hope Apartment was offering commercial sex from advertisements posted on Backpage that the CW Relative showed the CW.

b. The CW arrived at the Hope Apartment in the early morning hours and brought hundreds of dollars in cash. Upon entering the HOPE Apartment, the CW spoke with a female individual who was later identified by the CW and determined by law enforcement to be less than 18 years old at all times relevant to this Complaint ("Minor Victim-4"). The CW negotiated with Minor Victim-4 to have sex with two girls for \$150, and Minor Victim-4 took \$150 from the CW.<sup>4</sup>

c. The CW was able to choose the two girls with whom he wanted to engage in sex. There were approximately five girls in the Hope Apartment and the CW chose two girls who were later identified by the CW ("Minor Victim-2" and "Adult Victim-3"). Minor Victim-2 was later determined by law enforcement to be less than 18 years old at all times relevant to this Complaint.

d. The CW proceeded to a room believed to be Room-1 of the Hope Apartment that was enclosed by a curtain with Minor Victim-2 and Adult Victim-3, who both began to perform oral sex on the CW.

e. After the CW had received oral sex for several minutes, a male individual in a wheelchair who is believed to be DAVID HOPE, a/k/a "Capo," the defendant, pulled open the curtain and instructed the CW to come outside Room-1. The CW stopped receiving oral sex and proceeded to another area of the Hope Apartment, where the CW observed approximately three or four male individuals, at least one of whom was carrying a firearm.

f. The CW observed HOPE give orders to others in the Hope Apartment, including telling two of the girls to go to the back of the Hope Apartment. Based on the reactions of these

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<sup>4</sup> Based on my training and experience, I believe that Minor Victim-4 was working for HOPE as a "bottom," which is a current or former victim appointed by a trafficker to supervise other girls and report rule violations. At the direction of the trafficker, and often to improve her own treatment at the hands of the trafficker, the bottom may help instruct victims, collect money, book hotel rooms, post advertisements, and inflict punishments on other girls.

individuals to HOPE's orders, the CW believed that HOPE was in charge of the operation.

October 2015: Minor Victim-1 and Minor Victim-2

16. Based on my conversations with a law enforcement officer who was acting in an undercover capacity (the "UC") as well as my review of reports, records, and surveillance video collected by law enforcement in connection with an undercover operation conducted by the UC, I have learned the following, in substance and in part:

a. On or about October 25, 2015, the UC identified an advertisement that was posted in the New Haven, Connecticut section of Backpage and appeared to be offering minor females for commercial sex as part of a "two girl special" (the "CT Backpage Ad").

b. The CT Backpage Ad contained several photos of a female who appeared to be less than 18 years old in sexually provocative poses and had the following heading: "2 freaks♥ . . . Freaky and ready for it . . . 21."<sup>5</sup> The CT Backpage Ad advertised "Two Girl Specials" and contained the following text:

Hi GUYS IM Sweets and candy. We are SUPER SEXY PETITE BOMBSHELL WITH HOT & DANGEROUS CURVES, A BRILLIAINT [sic] SMILE, LONG SILKY HAIR AND A FUN BUBBLY PERSONALITY. LET ME SPOIL YOU MY WAY. TAKE A BREAK FROM THE STRESS AND LET ME PAMPER YOU WITH ALL MY GOODIES AND TREATS. I WILL LEAVE YOU COMPLETELY SATISFIED. MY PICS ARE 100% ME. NO DRIVER NO AGENCY. Call ☎ [a number ending in 1841 (the "Callback Phone")] ☎ask about my friend

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<sup>5</sup> As described above, based on my training and experience, although the number "21" purported to indicate the age of the individual offered for sale in the advertisement, such ages are always 18 or older, even when the victims advertised are minors, to prevent Backpage from blocking the advertisement from publication.

c. The UC began texting the Callback Phone ("CP") and had the following conversation on October 25 and 26, 2015, in substance and in part:

UC: Are u and your friend around?

CP: Are you affiliated with any type of law enforcement?

UC: God no.

CP: Ok how long would you like to stay for?

UC: A hour.

CP: 200 for one girl and 300 for two.

UC: I'll take the 2 girl.

CP: Ok boo I'm . . . at [a motel in Milford, Connecticut (the "Motel")]

[...]

CP: Ok text me when you're here.

UC: I'm here.

CP: Are you affiliated with any law enforcement?

UC: God no. Are u?

CP: No . . . room 9 ("Room-2").

d. On or about October 26, 2015, at approximately the same time as the above text message conversation, the UC went to the Motel and observed a male individual later identified as KEMAR WILLIAMS, the defendant, approach the registration office of the Motel.

e. The UC then approached the door to Room-2, which was opened by a young, scantily-clad female who was later identified by law enforcement as Minor Victim-2. Minor Victim-2 asked the UC, in substance and in part, whether the UC was affiliated with law enforcement. The UC responded, in substance and in part, that the UC was affiliated with law enforcement and

then entered Room-2 and encountered another young female, who was later identified by law enforcement as Minor Victim-1.

f. Pursuant to a court-authorized search warrant, the UC and other law enforcement agents searched Room-2 and recovered, among other things, condoms, lubricant on a nightstand next to the bed, and three phones, one of which was the Callback Phone. In addition, agents recovered a prepaid credit card in the name of "Dave Hope" (the "Hope RushCard"), which was concealed in the case of one of the phones recovered in Room-2.

g. Registration records obtained from the Motel indicate that WILLIAMS rented Room-2 on several days, including on October 26, 2015, the day that the UC encountered Minor Victim-1 and Minor Victim-2 in Room-2. In addition, WILLIAMS also rented another room in the Motel. WILLIAMS paid the Motel in cash for the rooms.

h. Surveillance video from the registration office of the Motel on October 26, 2015 shows WILLIAMS paying a Motel clerk and speaking with DAVID HOPE, a/k/a "Capo," the defendant, at the Motel.

i. Pursuant to a court-authorized search warrant, law enforcement agents searched the Callback Phone, which contained text messages indicating that the Callback Phone was used to set up numerous dates for commercial sex at Room-2 of the Motel from October 23 to October 26, 2015. These text message conversations generally followed the same format and substance as the text message conversation between the UC and the Callback Phone described above, with the Callback Phone repeatedly asking whether the potential customer was "affiliated with law enforcement."

17. Based on my review of records from the issuer of the Hope Rushcard, I have learned, in substance and in part, that the holder of the Hope Rushcard is "Dave Hope" with an email address with the exchange "@gmail.com" containing the name of and believed to be used by DAVID HOPE, a/k/a "Capo," the defendant (the "Hope Gmail Email"), and with an address at the Hope Apartment. The application for the Hope Rushcard was submitted on February 21, 2014.

18. Based on my review of records from Backpage, I have learned, in substance and in part, that the CT Backpage Ad was created on or about October 20, 2015 and posted by an email address with the exchange "@icloud.com" (the "Hope iCloud Email").

19. Based on my review of records from Apple Inc., I have learned, in substance and in part, that the subscriber of the Hope iCloud Email is "Dave Hope" with an address at the Hope Apartment.

20. Based on my review of records from Backpage, I have learned the following, in substance and in part:

a. From on or about October 22 to on or about October 26, 2015, the Hope iCloud Email was used to post more than ten advertisements for commercial sex in the New Haven, Connecticut section of Backpage.

b. From on or about August 19, 2015 to on or about October 27, 2015, the Hope iCloud Email was used to post more than 20 advertisements for commercial sex in the Bronx, New York section of Backpage. A majority of these Backpage advertisements listed the area in or around the Hope Apartment as the location for the so-called date.

c. The Callback Phone was listed in at least two advertisements for commercial sex that were posted on or about October 21, 2015 in the New Haven, Connecticut section of Backpage by the Hope Gmail Email.

d. From on or about July 6, 2013 to on or about November 18, 2015, the Hope Gmail Email was used to post more than 50 advertisements for commercial sex in the Bronx, New York section of Backpage.com. A majority of these Backpage advertisements listed the area in or around the Hope Apartment as the location for the so-called date.

e. From on or about August 1, 2015 to on or about November 18, 2015, the Hope Gmail Email and the Hope iCloud Email posted more than 60 Backpage advertisements for commercial sex with the callback number ending in 0527 (the "0527 Number").

f. From on or about October 3, 2015 to on or about November 18, 2015, the Hope Gmail Email and the Hope iCloud Email posted at least 15 Backpage advertisements for commercial

sex using an Internet Protocol address ("IP address") ending in 70 (the "70 IP Address").<sup>6</sup>

g. Between in or about September 2012 and in or about October 2015, an advertisement containing sexually provocative photos believed to be of Minor Victim-1 was posted in the Bronx, New York section of Backpage using the Hope Gmail Email.

21. Based on my review of records from a phone and Internet service provider, I have learned, in substance and in part, that the subscriber of the 0527 Number and the 70 IP Address is a relative (the "Hope Relative") of DAVID HOPE, a/k/a "Capo," the defendant. The Hope Relative is listed with a subscriber address at the Hope Apartment but the Hope Relative is not known to live at the Hope Apartment. Based on my training and experience, I know that individuals often use phones or Internet services registered in the name of parents or relatives.

22. Based on my review of records from Google, Inc., including documents relating to the Hope Gmail Email obtained pursuant to a court-authorized search warrant, I have learned the following, in substance and in part:

a. The Hope Gmail Email was created on February 2, 2011 and the subscriber of the Hope Gmail Email is "cap don."

b. In or around November 2013, the Hope Gmail Email was used to send a photo of a billboard to a representative of a non-profit organization that supports New York City students. The billboard consisted of a photo of DAVID HOPE, a/k/a "Capo," the defendant, in a wheelchair with the heading "GUNS CHANGE LIVES!" and the logo for the New York City Police Department ("NYPD"). The text of the email stated the following: "Hey . . . its been a long time . . . how's everthing going? Im still working hard.trying.to change another life everyday i can! Im really.trying.to.help stop gun.volince out there . . . Lets make something happen" [sic].

c. The Hope Gmail Email used the 70 IP Address on at least two occasions in October 2015.

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<sup>6</sup> An IP address, which is expressed as four numbers separated by decimal points, is a unique numerical label assigned to a particular computer during an online session.

d. The Hope Gmail Email has received hundreds of emails indicating that it was used to post advertisements for commercial sex on Backpage. These emails contain some of the contents of the Backpage advertisements and, based upon my training and experience, these advertisements relate to the offering of females for commercial sex.

January 16, 2015 Possession of a Firearm

23. Based on my conversations with an NYPD Detective (the "Detective"), my review of reports and records from the NYPD, and my review of sworn testimony before a Grand Jury convened in Bronx County, New York, I have learned the following, in substance and in part:

a. On or about January 16, 2015, pursuant to a court-authorized search warrant, the Detective and other law enforcement officers (the "Officers") went to the Hope Apartment to search for and seize a black semiautomatic firearm and ammunition.

b. When the Officers were entering the Hope Apartment, the Detective was in the hallway outside of the Hope Apartment which had an open window facing the rear area of the building. The rear bedroom of the Hope Apartment also had a window facing the same rear area of the building.

c. Shortly after the Officers entered the Hope Apartment, the Detective heard the sound of metal hitting the ground in the rear area of the building. The Detective looked outside the hallway window and observed that the window of the rear bedroom of the Hope Apartment was open. The Detective did not observe anyone in the rear area of the building outside of the Hope Apartment.

d. The Detective subsequently entered the Hope Apartment and observed one individual in the living room ("Individual-1"). The Detective then observed DAVID HOPE, a/k/a "Capo," the defendant, and a female individual who was later determined by law enforcement to be less than 18 years old at the time ("Minor Female-1") in the rear bedroom of the Hope Apartment.

e. The Officers recovered a defaced nine-millimeter Ruger semi-automatic pistol (the "Firearm") loaded with two nine-millimeter cartridges on the ground in the rear area of the building below the open window of the rear bedroom of the Hope



Apartment. In addition, the Officers recovered a Ruger magazine containing two nine-millimeter cartridges on top of the nightstand in the rear bedroom of the Hope Apartment and nine nine-millimeter cartridges inside the drawer of that nightstand (collectively, the "Ammunition").

f. HOPE, Individual-1, and Minor Female-1 were subsequently arrested and taken to the 52nd Precinct. The NYPD arrest report for HOPE states that HOPE has a tattoo on his right arm with the word "CAPO" and is a paraplegic.

g. Subsequently on January 16, 2015, the Detective conducted a post-arrest interview of Minor Female-1 at the 52nd Precinct after Minor Female-1 was advised of her Miranda rights, agreed to waive them, and signed a Miranda waiver. Minor Female-1 provided a written statement to the Detective that stated the following, in substance and in part:

I rented a room in the back. I was coming out of the bathroom and I came to get my ipad. I was at the wrong place at the wrong time[.] I got scared[.] I threw the gun out the window, I stayed over because I was kicked out. I went to get my ipad in Dave's room.

h. On or about April 29, 2015, Minor Female-1, accompanied by counsel, was duly sworn and testified before a Grand Jury that was convened in Bronx County, New York.<sup>7</sup> Based on my review of that testimony, I have learned that Minor Female-1 testified to the following before the Grand Jury, in substance and in part:

i. Minor Female-1 and her mother had been evicted and had nowhere to go.

ii. A friend referred Minor Female-1 to her uncle "David Hope," who is believed to be HOPE. Minor Female-1 stayed with HOPE for two weeks paying HOPE \$50.00 in cash per week. HOPE lived in the Hope Apartment full-time.

iii. Minor Female-1 knew that HOPE was older than her and felt uncomfortable staying in the Hope Apartment.

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<sup>7</sup> Minor Female-1 voluntarily waived her immunity before the Grand Jury and stated that she understood that anything she said may be used against her in any proceeding.

iv. On the morning of her arrest, Minor Female-1 went into HOPE's bedroom in the rear of the apartment to get her iPad because HOPE had used the iPad the night before. When Minor Female-1 entered HOPE's room, Minor Female-1 saw the gun on the corner of the bed where HOPE was sleeping on top of the sheets.

v. Minor Female-1 then heard banging and yelling by the police and became nervous and scared. HOPE yelled at Minor Female-1 to throw out the gun, and Minor Female-1 threw the gun out the window.

vi. Minor Female-1 listened to HOPE because she was scared and did not know what HOPE would do to her.<sup>8</sup>


24. As part of my investigation, I have been informed by an agent of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), which has data on the manufacturing of firearms and ammunition, that the Firearm and Ammunition were manufactured outside the State of New York.

25. I have reviewed criminal history records pertaining to DAVID HOPE, a/k/a "Capo," the defendant, which show that HOPE was (1) convicted on or about May 31, 2007, in New York Supreme Court, Kings County, of Robbery in the First Degree, in violation of New York Penal Law § 160.14(4), a Class B felony, which is punishable by imprisonment for more than one year; and (2) convicted on or about June 6, 2007, in New York Supreme Court, New York County, of Criminal Sale of a Controlled Substance in the Third Degree, in violation of New York Penal Law § 220.39(1), a Class B felony, which is punishable by imprisonment for more than one year.


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<sup>8</sup> I along with other law enforcement agents have subsequently interviewed Minor Female-1, who provided an account of the events of January 16, 2015 that is consistent with her April 29, 2015 testimony before the Grand Jury.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of DAVID HOPE, a/k/a "Capo," and KEMAR WILLIAMS, the defendants, and that they be arrested and imprisoned or bailed, as the case may be.

  
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STACY E. SHAHRANI  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
18th day of November, 2015

  
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HONORABLE DEBRA FREEMAN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK