

UNITED STATES DISTRICT COURT

for the

District of the Northern Mariana Islands

AUG 30 2013

Clerk
District Court
for the Northern Mariana Islands

United States of America

v.

RAYMOND BORJA ROBERTO

Defendant(s)

Case No.

CR

13-00010

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

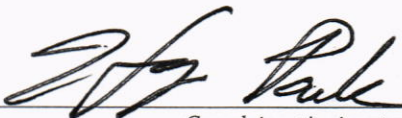
On or about the date(s) of July 13, 2013 in the county of Saipan in the----- District of Northern Mariana Islands, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 2422(b)

Count One: Coercion and Enticement

This criminal complaint is based on these facts:

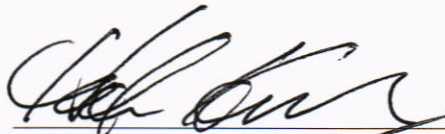
See attached Affidavit in Support of a Criminal Complaint.

☒ Continued on the attached sheet.*Complainant's signature*

Haejun Park, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/30/2013*Judge's signature*City and state: Saipan, MP

Hon. Heather L. Kennedy, Magistrate Judge

Printed name and title

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

RAYMOND BORJA ROBERTO,
Defendant.

CASE NO. CR 13-00010

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

INTRODUCTION

I, Haejun Park, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn and under oath, hereby depose and state as follows:

1. I make this affidavit pursuant to Rules 4(a) and 5(b) of the Federal Rules of Criminal Procedure to support the arrest of Raymond Borja ROBERTO (ROBERTO), that is, to establish probable cause that ROBERTO committed a violation of 18 U.S.C. § 2422(b), Coercion and Enticement.

2. Coercion and Enticement, in violation of Title 18, United States Code, Section 2422(b), states:

Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense or attempts to do so.

3. I have been employed with the Federal Bureau of Investigation for twenty-three (23) years, and thirteen (13) years as a special agent. I am currently assigned to investigate federal criminal matters in and around the Commonwealth of the Northern Mariana Islands. During my years as a special agent, I have investigated crimes, such as narcotics trafficking, terrorism, kidnapping, financial and/or fraud related crime, as well as crimes involving the sexual exploitation of children. I have further participated in the execution of over one hundred (100) search and arrest warrants.

4. The statements and information contained in this affidavit are based upon my direct participation in this investigation, my review of investigative reports prepared by other law enforcement officers, my conversations with law enforcement officers having personal knowledge of the pertinent facts, and my review of official documents and records maintained by local and federal agencies. All of the statements and information contained in this affidavit are true and correct to the best of my knowledge, information, and belief.

5. Since this affidavit is being submitted for a limited purpose, I have not included each and every fact that I have learned during the course of my investigation.

SUMMARY OF INVESTIGATION

6. This investigation began on July 16, 2013, when the Commonwealth of the Northern Mariana Islands (CNMI) Department of Public Safety (DPS) received an anonymous tip through their "Crimestoppers" tip line concerning the sexual abuse of a minor. The concerned citizen also emailed a video file that depicted an adult male engaging in sexual conduct with a minor victim. The adult male was later identified as Richard Sullivan BENAVENTE (BENAVENTE) (Date of Birth: 5/28/1970), a forty-three (43) year-old CNMI firefighter. The minor was identified as a specific named individual (referred to here as X.), a fifteen year-old female (Date of Birth: XX/XX/1997).

7. As set forth below, further investigation revealed that Raymond Borja ROBERTO (ROBERTO) (Date of Birth: 11/9/1972), the acting Director of the CNMI Division of Fish and Wildlife, used his cell phone to arrange to meet with X. on numerous occasions for the purpose of engaging in sexual conduct, within the District of the Northern Mariana Islands, for which he paid her cash.

8. On July 23, 2013 and August 8, 2013, FBI agents interviewed X. X. told the agents, among other things:

(a) ROBERTO is married to X.'s aunt. Beginning in March 2013, on the same day X. ran away from home, she began engaging in sexual conduct with ROBERTO. On that day, ROBERTO picked-up X. at a poker hall and drove her to the Parkville Motel in Gualo Rai, where he engaged in sexual intercourse with her. ROBERTO engaged in sexual intercourse with X. at the Parkville Motel on approximately ten (10) different occasions. ROBERTO also engaged in sexual conduct with X. at his residence on Airport Road and at "the farm" next to the Benavente Apartments in As Lito village.

- 1 (b) On at least one occasion at the Parkville Motel, in addition to engaging in sexual
2 conduct with X., ROBERTO engaged in sexual conduct with a minor identified as
3 a specific named individual (referred to here as Y.), a fifteen (15) year-old female
4 (Date of Birth: XX/XX/1997), and another minor identified as a specific named
5 individual (referred to here as Z.), also a fifteen (15) year-old female (Date of
6 Birth: XX/XX/1997).
- 7 (c) On another occasion, ROBERTO brought X. to a room inside a building in
8 Garapan. In that room, X. met an unknown Chinese woman. ROBERTO then
9 engaged in sexual conduct with X. When they were finished, ROBERTO told X.
10 that the Chinese woman filmed them engaging in sexual conduct and paid
11 ROBERTO \$1000.00 to make a sexually explicit video. ROBERTO gave X.
12 \$100.00 for this encounter.
- 13 (d) ROBERTO paid X. between \$40.00 and \$150.00 for each sexual encounter.
- 14 (e) ROBERTO used two cell phone numbers to communicate with X.: XXX-XXX-
15 6133 and XXX-XXX-3443. X. stored those numbers in her cell phone under the
16 name "Jerald." X. said that ROBERTO is "Jerald." ROBERTO would primarily
17 use the XXX-XXX-3443 number to call and text X. ROBERTO would text
18 message X. "O?" when he wanted to meet her for sex. "O?" was code for asking
19 X. if she were free to talk. If X. were free to talk, she would send a reply text
20 message with "O." After texting, they would then talk on the phone and arrange a
21 meeting.
- 22 (f) The last time X. met ROBERTO was in early July when ROBERTO engaged in
23 oral sexual conduct with X. at "the farm." Afterwards, ROBERTO paid X.
24 \$40.00.
- (g) X. used a particular cell phone number from April 20, 2013 to July 17, 2013.
(She provided me with the number.)

9. A review of toll records, returned pursuant to a grand jury subpoena for IT&E
phone number XXX-XXX-3443, indicate approximately 113 incoming and outgoing text
messages between that number and the cell phone number used by X. from April 20, 2013 to
July 17, 2013. No subscriber information is available for XXX-XXX-3443 because it is
associated with a pre-paid phone. A review of toll records for IT&E phone number XXX-
XXX-6133, registered to ROBERTO, indicate that no outgoing calls were made to X.'s cell
phone number and no incoming calls from X.'s cell phone number were made to XXX-XXX-
6133. There are no records for incoming and outgoing text messages for XXX-XXX-6133.

1 10. On August 14, 2013, FBI agents interviewed Y., who stated, among other things:

2 (a) On one occasion, Y., X., and Z., were picked-up at the CYC Market in Kagman
3 and brought to a motel by a man named "Jerald." At the motel, "Jerald" engaged
4 in oral sex with Y. Y. later saw Jerald engaging in sexual intercourse with Z.
 Afterwards, "Jerald" gave each of the minors \$100.00.

5 11. The FBI interviewed Z. on August 12, 2013. In that interview, Z. stated, among
6 other things:

7 (a) In April 2013, during the Flame Tree Festival, Z. met a man named "Jerald,"
8 whom she later identified from a photograph as ROBERTO. ROBERTO picked-
9 up Z., Y., and X. in Kagman and drove them to the Parkville Motel. At the
 motel, ROBERTO engaged in sexual intercourse with Z. ROBERTO then gave
 X. \$300.00, of which X. gave Z. \$100.00.

10 12. My review of records from the Parkville Motel, returned pursuant to a grand jury
11 subpoena, indicate that an individual driving a vehicle with a license plate number belonging to
12 a vehicle driven by and registered to ROBERTO (XXX-763) paid for rooms at the hotel on
 twelve (12) different occasions from March 24, 2013 to August 6, 2013.


13 13. My review of the toll records for XXX-XXX-3443, indicate that on July 13,
14 2013, there were twenty-nine (29) incoming or outgoing text messages between XXX-XXX-
15 3443 and the cell phone number used by X. between 1:30 pm to 6:30 pm. The records from the
16 Parkville Motel indicate that an individual driving a vehicle with a license-plate number
 registered to ROBERTO checked in to and paid for a room at the motel at 7:46 pm on July 13,
 2013.

17 14. Under local CNMI law, an individual commits the crime of Sexual Abuse of a
18 Minor in the Second Degree, in violation of 6 C.M.C. § 1307(a)(1), when the individual
19 engages in sexual penetration with a person who is 13, 14, or 15 years of age and is at least
 three (3) years younger than the individual.

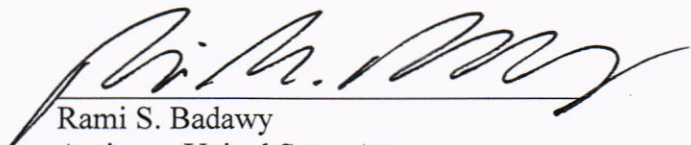
20 15. Based upon my interviews with all three minors, from their appearance and
21 demeanor, it is clearly apparent that all three minors are less than eighteen (18) years-old.
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1 CONCLUSION


2 16. Based on the foregoing information, I believe there is probable cause that
3 ROBERTO committed the criminal offense of Coercion and Enticement, in violation of 18
4 U.S.C. § 2422(b), as charged in the criminal complaint.

5 
6 Haejun Park, Special Agent
7 Federal Bureau of Investigation

8 Reviewed:

9 
10 Rami S. Badawy
11 Assistant United States Attorney

12 Subscribed and sworn to before me this 30th day of August, 2013.

13 
14 ~~Honorable Ramona V. Mangione~~
15 ~~District Court Judge~~

16 Honorable Heather Kennedy
17 Magistrate Judge
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