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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA : Hon. Steven C. Mannion, U.S.M.J.  
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 v. : Mag. No.  
 :  
 ANDRIY MYKHAYLIVSKYY, :  
 a/k/a "ANDRIY HADDAD" : **CRIMINAL COMPLAINT**  
 :

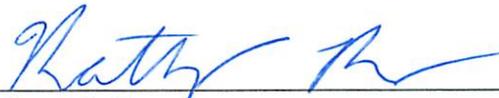
I, Kathryn E. Ryan, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about July 2, 2013, in the United States Embassy in Chisinau, Moldova and elsewhere, the defendant ANDRIY MYKHAYLIVSKYY, a/k/a "ANDRIY HADDAD," a resident of the District of New Jersey, did:

SEE ATTACHMENT A

I further state that I am a Special Agent with the United States Department of State, Diplomatic Security Service and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



\_\_\_\_\_  
Kathryn E. Ryan  
Special Agent, United States Department of State  
Diplomatic Security Service

Sworn to before me and subscribed in my presence,  
August 26, 2013, at Newark, New Jersey



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HONORABLE STEVEN C. MANNION  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

On or about July 2, 2013, in the United States Embassy in Chisinau, Moldova and elsewhere, the defendant

ANDRIY MYKHAYLIVSKYY,  
a/k/a "ANDRIY HADDAD,"

a resident of the District of New Jersey, did willfully and knowingly make and cause to be made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of a department or agency of the United States.

In violation of Title 18, United States Code, Section 1001, and Title 18, United States Code, Section 2.

## ATTACHMENT B

I, Kathryn E. Ryan, am a Special Agent with the United States Department of State, Diplomatic Security Service (“DSS”). I have personally participated in this investigation and am aware of the facts contained herein, based on my own investigation, as well as information provided to me by other law enforcement officers. Since this affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not necessarily included each and every fact known by the Government concerning this investigation. Statements contained herein are provided in substance and in part.

### Background

1. ANDRIY MYKHAYLIVSKYY, a/k/a “ANDRIY HADDAD,” (“MYKHAYLIVSKYY”) is an 18-year-old resident of Rutherford, New Jersey.
2. On or about July 2, 2013, MYKHAYLIVSKYY was in the Ukraine.
3. “Kate Brianna Fulton,” does not exist and was a creation of MYKHAYLIVSKYY utilizing Facebook, Twitter, texting, Skype and other electronic means.
4. MYKHAYLIVSKYY communicated with and maintained an electronic relationship with “Individual One”, an 18-year-old New Jersey resident, while pretending to be “Kate Brianna Fulton.”

### False Report of the “Kidnapping” of “Kate Brianna Fulton”

5. On August 6, 2013, MYKHAYLIVSKYY admitted to DSS agents when he was questioned at John F. Kennedy International Airport in New York that he made a false report of a kidnapping to the United States Embassy at Chisinau, Moldova, using the name “Andrei Aylivsk.”
6. On or about July 2, 2013, at approximately 2:00 a.m. local time, the United States Embassy in Chisinau, Moldova received a telephone call reporting the kidnapping of a teenage female United States citizen from a person identifying himself as “Andrei Aylivsk.”
7. “Andrei” reported to the Embassy Duty Officer that his girlfriend, who he identified as “Kate Fulton,” had been kidnapped in Bulgaria on or about June 28, 2013, and that he lost contact with her on June 28, 2013. “Andrei” stated that “Kate Fulton” was a United States Citizen.
8. During the telephone call, “Andrei” explained that Kate’s mother, “Sylvia Fulton,” was contacted by an unknown male who told her that her daughter had been kidnapped and that she had one week to pay \$50,000 in ransom. “Andrei” provided the number that “Sylvia” had been given by the unknown male to arrange for payment.

9. "Andrei" provided telephone numbers at which he and "Sylvia" could be contacted, explaining that he was presently in the Ukraine but would be returning to the United States on July 10, 2013 and that "Sylvia" was in the United States.

10. "Andrei" further informed the Embassy Duty Officer that "Sylvia" had contacted the United States Embassies in Chisinau, Moldova and Sofia, Bulgaria seeking help. According to "Andrei," "Sylvia," was told by the United States Embassy in Sofia, Bulgaria to call the Consular Section of the United States Embassy in Chisinau, Moldova, and that "Sylvia" then called the Consular Section of the Embassy in Chisinau, Moldova. "Andrei" stated that he did not know whom "Sylvia" had spoken to, nor was he aware of the content of that discussion.

11. "Andrei" explained that he was calling because "Sylvia" asked him to contact the Embassy to find out when she might hear back from them.

12. Law enforcement has contacted the United States Embassy at Chisinau, Moldova and the United States Embassy at Sofia, Bulgaria, and there is no record of a "Sylvia Fulton" having contacted them.

13. During this telephone call on July 2, 2013, "Andrei" also inquired whether the Embassy would pay the \$50,000 ransom for "Kate's" release. The Embassy Duty Officer informed "Andrei" that payment by the Embassy was not possible.

14. The Embassy Duty Officer advised "Andrei" that, due to privacy restrictions, "Sylvia" should be the one to contact the Embassy for information. The Embassy Duty Officer told "Andrei" that all the information he provided would be forwarded to the Consular Section for action. Finally, "Andrei" asked if he should call back the Embassy if "Kate" is found or if she "shows up." The Embassy Duty Officer advised "Andrei" to contact the Embassy should the situation change.

#### **"Kate Brianna Fulton" Was a Fictitious Creation of MYKHAYLIVSKYY**

15. On August 6, 2013, MYKHAYLIVSKYY was interviewed and admitted to DSS Special Agents that "Kate Fulton" was his creation on Facebook and that MYKHAYLIVSKYY, posing as "Kate Brianna Fulton," started an online relationship with Individual One as a "joke."

16. MYKHAYLIVSKYY admitted that he operated the online and digital profiles of "Kate Fulton" using photographs of an actual high school student from New Jersey, without that person's knowledge or permission.

17. On July 9, 2013, Individual One was interviewed and stated that Individual One was contacted through Facebook in late August 2012 by "Kate Fulton" – who was, in fact, MYKHAYLIVSKYY posing as a high school-aged female. "Kate Fulton" gave Individual One her number and Individual One gave her Individual One's. "Kate" texted Individual One on the second day of the 2012-2013 school year. Individual One and "Kate" became friends and entered into an online and texting relationship, but every time they tried to physically spend time

together, “Kate” cancelled. Individual One and “Kate” continued their online and texting relationship from late August 2012 through “Kate’s” alleged kidnapping.

18. Shortly after “meeting” “Kate Fulton” on Facebook, in early September 2012, Individual One met (in-person) and became friends with MYKHAYLIVSKYY. MYKHAYLIVSKYY repeatedly told stories to Individual One to confirm that “Kate” was a real person. For example, MYKHAYLIVSKYY told Individual One that MYKHAYLIVSKYY used to date “Kate” and had to switch schools due to an incident with one of “Kate’s” ex-boyfriends. This was corroborated by “Kate” in stories she told about the ex-boyfriend.

### **Second False Report of Kidnapping Based on Information Generated by MYKHAYLIVSKYY**

19. On July 8, 2013, the United States Embassy in Sofia, Bulgaria received a telephone call from Individual One, who was calling from New Jersey, seeking assistance regarding the kidnapping of “Kate Brianna Fulton,” whom Individual One reported was kidnapped while vacationing in Burgas, Bulgaria.

20. Individual One reported that “Kate” was kidnapped on June 28, 2013, and that “Kate” reported to Individual One that she had boarded a shuttle for her hotel but instead had been kidnapped.

21. Individual One stated that Individual One had continued to receive text messages from “Kate” after the purported kidnapping. Individual One provided the Embassy’s Regional Security Officer with a screenshot of “Kate’s” Twitter account showing two tweets dated June 29, 2013. The screenshot shows the name “Kate Brianna Fulton” and twitter account “@BriannaFulton.” One tweet reads, “916-55-119,” and the other, “Someone help me.” According to Individual One, the “916-55-119,” tweet was in reference to “Kate’s” local cellular phone while she was in Bulgaria. The investigation has revealed that “916-55-119” is not a valid Bulgarian telephone number.

22. As a result of Individual One’s report and in an attempt to locate “Kate Brianna Fulton,” DSS obtained subscriber information and up-to-date IP address information from Twitter. Additionally, Bulgarian police were notified that there was a United States citizen kidnapping victim in Burgas, Bulgaria. Bulgarian police responded by combing hotels, hostels and other lodgings in Burgas seeking information on the alleged victim. The Bulgarian border police also conducted searches of incoming passenger records.

### **Law Enforcement Investigation Corroborates “Kate Brianna Fulton” Being a Fictitious Creation of MYKHAYLIVSKYY**

23. The investigation has corroborated Individual One’s statement that “Kate Brianna Fulton” is not a real person. DSS contacted the school in New Jersey that “Kate Fulton” purportedly attended. School administrators stated that no one named “Kate Fulton” attended that school but were able to identify another student” (hereinafter “Jane Doe”) that matched the

photographs of “Kate Fulton.” The investigation determined that Jane Doe had not traveled to Bulgaria and was not kidnapped.

24. DSS interviewed Jane Doe on July 10, 2013. Jane Doe stated that she was not Facebook friends with either MYKHAYLIVSKYY or Individual One, and confirmed this by checking her Facebook friends list. She also stated that she was not friends with them outside of Facebook. Moreover, Jane Doe stated that her Facebook profile and Twitter feed were not protected, and anyone could see her Tweets, see her Facebook profile, and access the photographs on her Facebook profile.

25. Law enforcement’s investigation also revealed that the IP address activity from the Facebook account for “Kate Brianna Fulton,” resolved to New Jersey from May 3, 2013 to June 10, 2013 and resolved to the Ukraine from June 18, 2013 to July 4, 2013. There was a gap of eight days where the account was not accessed. This timeline corresponds with MYKHAYLIVSKYY’s travel schedule.