
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Mag No. 13- 8279 (MCA)
v. :
PEDRO RIOS : **CRIMINAL COMPLAINT**

I, Kevin P. Matthews, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Kevin P. Matthews, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

August 21, 2013 at Newark, New Jersey
Date City and State

Honorable Madeline Cox Arleo
United States Magistrate Judge
Name and Title of Judicial Officer

Madeline Cox Arleo
Signature of Judicial Officer

ATTACHMENT A

Count I

Sexual Exploitation of Children

On or about June 4, 2011, in Union County, in the District of New Jersey, and elsewhere,
defendant

PEDRO RIOS

did knowingly employ, use, persuade, induce, entice, and coerce a prepubescent female, "Jane Doe," to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer,

In violation of Title 18, United States Code, Section 2251(a) and Section 2.

Count II

Sexual Exploitation of Children

On or about November 13, 2011, in Union County, in the District of New Jersey, and elsewhere, defendant

PEDRO RIOS

did knowingly employ, use, persuade, induce, entice, and coerce a prepubescent female, "Jane Doe," to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer,

In violation of Title 18, United States Code, Section 2251(a) and Section 2.

ATTACHMENT B

I, Kevin Matthews, am a Special Agent with the Federal Bureau of Investigation (“FBI”). I have knowledge of the following facts based upon both my investigation and discussions with other law enforcement personnel and others. Because this Affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known to the government concerning this matter. Where statements of others are set forth herein, these statements are related in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. On or about February 5, 2013, law enforcement officers executed a search warrant at the home of PEDRO RIOS (“RIOS”) in Newark, New Jersey. During the search of the residence, law enforcement discovered, on computer equipment belonging to RIOS, images and videos of child pornography, as defined by Title 18, United States Code, Section 2256(8), including material that involved prepubescent minors.

2. A forensic review of the computer equipment seized from RIOS’s home revealed several video files of child pornography which appear to be self-produced and to depict RIOS on camera with a prepubescent female, Jane Doe (“Doe”).

3. Two of the videos found on the computer equipment seized during the search of RIOS’s home, and their filenames, are described below. These videos were produced by RIOS on or about June 4, 2011 and November 13, 2011, respectively.

PICT0025.AVI	<p>This video is 10 minutes and 1 second long and appears to depict RIOS lying on a small bed located in the rear of the cab of a tractor trailer truck. RIOS is on his right side resting his head on his right hand and lying against Doe. Doe is lying on her back on the bed with her dress pulled up to her chest. “2011.06.04 10:49:46” appears in the bottom left corner of the video as a time stamp. RIOS is wearing a white t-shirt and underwear. He is rubbing Doe’s vagina with his left hand while speaking to her in Spanish.</p> <p>RIOS tells Doe about another girl that wanted to play with him and touch her vagina. RIOS told the other girl he would not play with her because he plays with Doe. He then tells her she cannot play with boys because boys will tell each other what RIOS did with Doe and her mother would find out. RIOS explains that he is not going to tell anyone how they play and asks Doe if she is going to tell anyone. Doe shakes her indicating</p>
--------------	--

	<p>that she will not tell.</p> <p>RIOS begins to move netting attached to the back wall of the interior of the tractor truck cab over Doe and himself. RIOS tells her he knows that Doe likes it when he touches her in this part as his hand is on her vagina. RIOS then takes her hand and puts it on his penis and tells her, in Spanish, that he knows his penis likes her because it stands up. RIOS removes his underwear revealing his erect penis. Doe says something about her mom. RIOS asks who is going to tell Doe's mom as he takes Doe's hand in his and places it on his penis. Doe says something about God. RIOS then asks Doe if she knows why God made this, referring to his penis. Doe says that RIOS told her. RIOS explains how God made the man and woman. RIOS continues to tell DOE she is going to feel that she is going to heaven and that is what God wants. He tells her that she needs someone so she can feel like a woman while he continues to rub her vagina.</p> <p>RIOS then positions himself on top of Doe and spreads her legs apart with his knees. He lies on top of Doe and begins to thrust his penis into the area of her vagina. Doe indicates discomfort. He tells her he is just playing and continues to whisper to her. RIOS moves his hips slightly off of Doe and appears to masturbate over Doe with his left hand. RIOS kisses her, stops masturbating and lies next to Doe. RIOS continues to rub Doe's vagina as he speaks to her. RIOS asks Doe if she thinks he is bad. Doe says, "no" and the video ends shortly thereafter.</p>
<p>PICT0001.AVI</p>	<p>This video is 10 minutes and 1 second long and appears to depict RIOS located in the rear of the cab of a tractor trailer truck. The camera is stationary and looking down on a bed at the rear of the cab of the tractor trailer truck. "2011.11.13 12:20:33" appears in the bottom left corner of the video as a time stamp. Two minutes into the video, RIOS is sitting on the bed and states, "Okay. You wake me up when you come home from school." Doe states, "Okay." RIOS states, "Okay." Doe states, "Oh, so we are acting?" RIOS states, "Yeah. We're going to be acting like always." Doe later asks, "So you're my dad?" RIOS says, "Yes, I am your dad."</p> <p>RIOS then takes off his pants and shirt and is wearing underwear, socks and an undershirt. He lies in bed and covers himself with a blanket. RIOS and Doe role play Doe coming home from school and waking up RIOS. Doe is wearing a short sweater dress with see-through leggings.</p>

She lies down next to RIOS on the small bed. RIOS asks, "How old are you now? Five years old?" Doe responds, "No dad." RIOS asks, "Four?" Doe says her age. RIOS responds, "No. Can't be. You are my little girl like always." During the role play, RIOS kisses and rubs Doe's body and vagina with his right hand.

Doe later asks RIOS if he locked the doors. RIOS states that he did. RIOS is lying on his left side with his head on Doe's right shoulder. He rubs Doe under her dress, near her chest, her stomach, buttocks and vagina. RIOS gets closer to Doe as he rubs her buttocks and side. He nuzzles his face into her stomach and chest. Doe states, "Daddy, you give me too much tickle." RIOS then tells Doe to get under the covers. Doe gets under the covers and RIOS remains on his left side next to Doe. RIOS continues to kiss Doe and rub her body under the covers as they continue to role play. RIOS tells DOE that he loves her several times. Doe takes off her leggings, revealing her underwear. RIOS pulls the blanket behind him as he moves in front of Doe and gets on top of her. He kisses her again. RIOS later states, "We do it. Nobody knows it."

4. Law enforcement officers identified and interviewed Jane Doe. Upon questioning, Doe stated that RIOS would periodically drive her to his tractor trailer truck in Union County, New Jersey where he would undress her and have sexual contact and sexual relations with her. Doe stated that she was aware that RIOS was video recording the sexual encounters in the tractor truck and stated that RIOS told her that he would erase them. Doe stated that RIOS had threatened that if she told anyone about what RIOS did to her in the tractor trailer truck, he would hurt her family.

5. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the videos described in Paragraph 3 above were produced using materials that were shipped and transported in interstate and foreign commerce, by any means, including by computer, based upon, among other things, my review of law enforcement records and the other physical evidence recovered from RIOS's home during the execution of the search warrant.

6. Based on my review of the videos described in Paragraph 3, review of other photographs depicting RIOS, and in consultation with other law enforcement officers, I have determined that the videos described in Paragraph 3 depict RIOS engaging in sexually explicit conduct with Doe.