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

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UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**  
 :  
 v. : Mag. No. 12-3645  
 :  
 FELIX ROQUE and : Hon. Mark Falk  
 JOSEPH ROQUE, :  
 a/k/a "Maria Pasquale," : UNDER SEAL  
 a/k/a "Jeffery Reynoso" :  
 :  
 Defendants


I, Ignace Ertilus, being duly sworn, state the following is true and correct to the best of my knowledge and belief. Between on or about February 6, 2012 and on or about February 17, 2012, in Hudson County, in the District of New Jersey, and elsewhere, defendants Felix Roque and Joseph Roque did:

**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 pages and made a part hereof.

  
\_\_\_\_\_  
Ignace Ertilus, Special Agent  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,  
May 23, 2012, in Essex County, New Jersey

HONORABLE MARK FALK  
UNITED STATES MAGISTRATE JUDGE

  
\_\_\_\_\_  
Signature of Judicial Officer

## ATTACHMENT A

### Count 1

knowingly and intentionally conspire and agree with each other, Public Official 1, and others to commit offenses against the United States, namely, to:

a) intentionally access computers without authorization and exceed authorized access and thereby obtain information from protected computers, that is, computers used in and affecting interstate commerce and communication to host the contents of electronic mail accounts, in furtherance of the criminal acts in violation of the laws of the United States charged in Count 3 of this Complaint, namely, knowingly causing the transmission of programs, information, codes, and commands, and as a result of such conduct, intentionally causing damage without authorization to protected computers, that is, computers used in interstate commerce and communication to host the domain account and content, respectively, for the website www.recallroque.com, contrary to Title 18, United States Code, Section 1030(a)(5)(A),

contrary to Title 18, United States Code, Sections 1030(a)(2)(C) and (c)(2)(B)(ii); and

b) cause the transmission of programs, information, codes, and commands, and as a result of such conduct, intentionally cause damage without authorization to protected computers, that is, computers used in interstate commerce and communication to host the domain account and content, respectively, for the website www.recallroque.com, contrary to Title 18, United States Code, Section 1030(a)(5)(A).

### Overt Acts

In furtherance of the conspiracy and to effect its unlawful objects, in Hudson County, in the District of New Jersey, and elsewhere, defendants committed the following overt acts:

1. On or about February 8, 2012, at approximately 11:49 a.m. (EST), defendant Joseph Roque accessed the e-mail account westnewyorknews@[provider1].com without authorization.
2. On or about February 8, 2012, at approximately 4:49 p.m. (EST), defendant Joseph Roque accessed Victim 1's account at Go Daddy without authorization and cancelled the Internet domain account www.recallroque.com.
3. On or about February 8, 2012, at approximately 8:30 p.m. (EST), defendant Felix Roque ("Mayor Roque") placed a telephone call to Victim 2 in Hudson County, New Jersey, and, with the intent of intimidating and harassing him, indicated to Victim 2 in substance that Mayor Roque was aware that Victim 2 had contributed information to www.recallroque.com.
4. On or about February 9, 2012, at approximately 11:55 a.m. (EST), Mayor Roque placed a telephone call to Victim 1 in Hudson County, New Jersey and told Victim 1 in substance that Mayor Roque had had www.recallroque.com taken down by highly placed

government officials and that everyone would pay for getting involved against Mayor Roque.

5. On or about February 9, 2012, at approximately 2:10 p.m. (EST), shortly after learning that Victim 5 sent information to [www.recallroque.com](http://www.recallroque.com), defendant Felix Roque e-mailed Victim 5, threatening to refer Victim 5 to the Internal Revenue Service for a tax audit.

6. On or about February 14, 2012, at approximately 8:52 a.m. (EST), Mayor Roque sent a text message to defendant Joseph Roque directing defendant Joseph Roque to "look at a Facebook page run by Maria pascuale" and to "let me know what we can do."

7. On or about February 17, 2012, at approximately 12:30 p.m. (EST), in a meeting at West New York City Hall, with the intent of concealing Mayor Roque and defendant Joseph Roque's involvement in attacks on [www.recallroque.com](http://www.recallroque.com) and related online accounts, defendant Mayor Roque falsely told Victim 1: "a friend of mine he works in the- I can't tell you - three letters - CIA. You know. That's how I get information. So, what I'm doing is not very kosher."

In violation of Title 18, United States Code, Section 371.

#### Count 2

intentionally access computers without authorization and exceed authorized access and thereby obtain information from protected computers, that is, computers used in and affecting interstate commerce and communication to host the contents of electronic mail accounts, in furtherance of criminal acts in violation of the laws of the United States charged in Count 3 of this Complaint, namely, knowingly causing the transmission of programs, information, codes, and commands, and as a result of such conduct, intentionally causing damage without authorization to protected computers, namely, computers used in and affecting interstate and foreign commerce to host the domain account and content, respectively, for the website [www.recallroque.com](http://www.recallroque.com), contrary to Title 18, United States Code, Section 1030(a)(5)(A).

In violation of Title 18, United States Code, Sections 1030(a)(2)(C) and (c)(2)(B)(ii) and Sections 2.

#### Count 3

knowingly cause the transmission of programs, information, codes, and commands, and as a result of such conduct, intentionally cause damage without authorization to protected computers, that is, computers used in and affecting interstate commerce and communication to host the domain account and content, respectively, for the website [www.recallroque.com](http://www.recallroque.com).

In violation of Title 18, United States Code, Sections 1030(a)(5)(A) and 1030(c)(4)(G) and Section 2.

## ATTACHMENT B

I, Ignace Ertilus, a Special Agent of the Federal Bureau of Investigation, have knowledge of the following facts based upon evidence collected during the investigation and discussions with witnesses and other law enforcement agents and agencies. Since this affidavit is submitted for the purpose of establishing probable cause to support the issuance of a complaint and arrest warrants, I have not included each and every fact known by law enforcement agents and agencies concerning this investigation. Statements attributed to individuals are provided in substance and in part. In instances where communications relevant to the investigation were in Spanish, I reviewed and relied upon translations of those communications. Some of those translations have been quoted herein. Unless otherwise indicated, all dates and times are approximate and in Eastern Standard Time ("EST").

### BACKGROUND

1. At all times relevant to the Complaint:

#### *Defendants*

- a. Defendant Felix Roque was the mayor of West New York, New Jersey ("Mayor Roque"). Mayor Roque also operated the Pain Relief Center, a medical practice located in West New York. Mayor Roque had and used two cellular phones, an iPhone ("the Mayor's iPhone") and a Blackberry ("the Mayor's Blackberry"). Mayor Roque also subscribed to and used, among other e-mail accounts, [painreliefcenter@\[Provider2\].net](mailto:painreliefcenter@[Provider2].net) and [felix.roque@painreliefcenterpa.com](mailto:felix.roque@painreliefcenterpa.com).

- b. Defendant Joseph Roque, Mayor Roque's son, resided in East Meadow, New York. Joseph Roque regularly accessed the Internet from his residence. Defendant Joseph Roque had and used an iPhone ("the Joseph iPhone"). Defendant Joseph Roque also subscribed to and used, among others, the e-mail accounts [joseph\\*\\*\\*\\*\\*@\[Provider1\].com](mailto:joseph*****@[Provider1].com); [jefferyreynoso67@\[Provider1\].com](mailto:jefferyreynoso67@[Provider1].com) ("the Reynoso Account"); and [westnewyorknews2012@\[Provider1\].com](mailto:westnewyorknews2012@[Provider1].com) ("the West New York News 2012 Account").

#### *Coconspirator*

- c. Public Official 1, an employee of West New York, was a coconspirator not charged as a defendant herein.

#### *Victims and Others*

- d. Victim 1 was a resident of and government official in Hudson County. In early February 2012, Victim 1 anonymously established and moderated an Internet website dedicated to commentary and criticism of Mayor Roque and his administration, [www.recallroque.com](http://www.recallroque.com) ("the Recall Website").

- e. Victim 2 was a resident of Hudson County who submitted information to

the Recall Website regarding Public Official 1.

- f. Victim 3 was a Hudson County employee.
- g. Victim 4 was a former West New York employee.
- h. Victim 5 was a local media personality who had submitted information critical of Mayor Roque to the Recall Website.
- i. Public Official 2 was a West New York employee.

2. Beginning on or about February 6, 2012, Mayor Roque, Joseph Roque, and Public Official 1 schemed to take down the Recall Website and to identify, harass, and intimidate others who operated and associated with the Recall Website.

3. By the late afternoon of February 8, 2012, defendant Joseph Roque had successfully hacked into various online accounts that Victim 1 used in connection with the Recall Website. Defendant Joseph Roque then used that access to disable the Recall Website.

4. Mayor Roque and Public Official 1 thereafter harassed and attempted to intimidate others whom Mayor Roque had learned from defendant Joseph Roque were associated with the Recall Website.

#### *The Recall Website*

5. On or about February 4, 2012, using the alias "Maria Pascuale" and the registration e-mail address [westnewyorknews@\[provider1\].com](mailto:westnewyorknews@[provider1].com) ("the West New York News Account"), Victim 1 established the Internet domain [www.recallroque.com](http://www.recallroque.com) at Go Daddy, an Internet Service Provider ("ISP") located in Arizona. Victim 1 directed Go Daddy to refer all Internet traffic addressed to the Recall Website to Weebly, a second ISP located in California where Victim 1 stored the contents of the Recall Website.

6. Prior to February 2012, Victim 1 had also used the West New York News Account address and the alias Maria Pascuale to register accounts with Facebook ("the Facebook Account") and [www.nj.com](http://www.nj.com), which hosted an Internet blog news forum ("the NJ.com Account"). After establishing the Recall Website, Victim 1 used both the Facebook Account and the NJ.com Account to promote and solicit content anonymously for the Recall Website.

7. According to a law enforcement interview with Victim 1, the Recall Website had as many as 800 visitors by February 6, 2012. West New York residents and others were sending Victim 1 (via the West New York News Account) information about alleged mismanagement in Mayor Roque's administration.

*February 6 and 7, 2012 – Mayor Roque and Joseph Roque Scheme to Identify Victim 1*

8. Beginning on or about February 6, 2012, Mayor Roque and defendant Joseph Roque worked together in an attempt to identify the Recall Website's moderator, Victim 1.

9. My review of telephone records obtained during the investigation reveals that on or about February 6, 2012 at approximately 6:54 p.m., Mayor Roque's iPhone was used to call the Joseph iPhone for approximately 98 seconds.

10. At approximately 7:33 p.m., defendant Joseph Roque created the Reynoso Account, [jefferyreynoso67@\[Provider1\].com](mailto:jefferyreynoso67@[Provider1].com) and immediately e-mailed Victim 1's West New York News Account the following e-mail: "I have very good leads for your group please feel free to email me whenever you can." Victim 1, intending to remain anonymous, responded to defendant Joseph Roque that he should send leads to the West New York News Account.

11. Between 10:58 and 11:04 p.m., the Joseph iPhone connected approximately four calls with either Mayor Roque's iPhone or Mayor Roque's Blackberry.

12. At 11:06 p.m., less than two minutes after the last of those telephone calls, defendant Joseph Roque used the Reynoso Account to attempt to identify Victim 1, writing in an e-mail to the West New York News Account: "Thank you! May i ask who is the main leader of this organization?"

13. At 11:07 p.m., one minute later, the Joseph iPhone was used to call Mayor Roque's Blackberry for approximately 2 minutes.

14. In the next 12 minutes, between 11:08 p.m. and 11:20 p.m., Mayor Roque's cellular phones were used to call the Joseph iPhone once and Public Official 1's telephone number 3 times.

15. At 11:21 p.m. and 11:23 p.m., Mayor Roque e-mailed links to the Recall Website to both defendant Joseph Roque and Public Official 1.

16. On the morning of February 7, 2012 defendant Joseph Roque continued his attempts to identify Victim 1 by using the Reynoso Account and the West New York News 2012 Account — an account defendant Joseph Roque created — to request meetings with Victim 1 under the false pretense that defendant Joseph Roque had information to share with the Recall Website. In e-mails that day, Victim 1 repeatedly rebuffed defendant Joseph Roque's requests and directed him, for example, to "scan [any information] at [S]taples" and send it to the West New York News Account.

17. At 1:18 p.m., following three calls from the Joseph iPhone to the Mayor's Blackberry, defendant Joseph Roque e-mailed Victim 1 one more time from the Reynoso Account: "I'm not sure why this is being held as a secret organization we need to stand up and

fight and get our town back! I have good info for you but i do not want my name to be exposed for fear of retaliation so if we can please meet to discuss or even a phone call would do.”

18. At 2:00 p.m., Victim 1 again declined defendant Joseph Roque’s request to meet, instructing him instead to send information to the West New York News Account.

*Defendant Joseph Roque Researches Hacking*

19. At 2:07 p.m., only 7 minutes later, Joseph Roque used his laptop computer to search the Internet for “how to hack a [Provider1] password” and “how to hack a [Provider1] account.” (Provider 1 hosted the West New York News Account.)

20. At 2:16 p.m., Joseph Roque used his laptop computer to enter the following text addressed to Technical Support at Provider 1: “someone hacked my account and changed all of my information causing me to create a new account.”

21. Thereafter, at 3:03 p.m., defendant Joseph Roque e-mailed Go Daddy and attempted to have Go Daddy shut the Recall Website down by claiming that the Recall Website had been registered with an alias and inaccurate phone number. Defendant Joseph Roque also accessed the website of Weebly, where Victim 1 stored the content of the Recall Website.

22. Between 7:45 and 7:50 p.m. that evening, defendant Joseph Roque searched Google for “hacking a Go Daddy Site,” “recallroque-log-in” and “html hacking tutorial”

*February 8 – The Hacking Begins*

23. At 8:33 a.m. on or about February 8, 2012, Mayor Roque’s iPhone connected an approximately four minute call to the Joseph iPhone.

24. At 8:42 a.m., just 5 minutes later, the Joseph iPhone was used to call (after using \*67 to block caller ID) the phone number that Victim 1 listed as a point of contact for the Recall Website and then Go Daddy, the domain host, for approximately 4.5 minutes.

25. Less than two minutes after the Joseph iPhone disconnected with Go Daddy, the same phone was used to call Mayor Roque’s iPhone for approximately 3 minutes.

26. At approximately 9:26 a.m., Joseph Roque received an e-mail notice at the Reynoso Account from Provider 1 asking whether “Jeffery Reynoso” had requested a password reset on the West New York News Account, Victim 1’s e-mail account. Based on my training and experience investigating computer intrusions, only an attempt to reset the password of the West New York News Account by a person with access to the Reynoso Account would have generated this e-mail notice.

*Defendant Joseph Roque Hacks the West New York News Account*

27. At 11:49 a.m., defendant Joseph Roque accessed the West New York News Account without authorization over the wireless network of a local medical center in North Bergen, New Jersey, where he had been admitted for medical treatment approximately 15 minutes earlier.

28. Forensic review of the Joseph iPhone revealed that between 11:54 a.m. and 12:03 p.m., Joseph Roque used the Joseph iPhone to view and take screen shots (i.e., photographs) of messages in Victim 1's West New York News Account, including messages from Victim 2, Victim 5, and T.B., a Monmouth County resident who had posted an offer of help on the Recall Website.

29. At approximately 12:44 p.m., the Joseph iPhone connected a four-minute call to Mayor Roque's iPhone.

30. Between 1:34 and 1:39 p.m., the Joseph iPhone connected approximately three calls to Public Official 1.

31. At approximately 2:05 p.m., defendant Joseph Roque logged into one of his e-mail accounts at Provider 1 from an IP address assigned to Mayor Roque's office.

32. At 4:27 p.m. and again at 4:38 p.m., after requesting that a password change link be sent to the West New York News Account that defendant Joseph Roque now controlled, defendant Joseph Roque accessed Victim 1's Facebook Account (opened using the alias Maria Pascuale) without authorization and changed the password to the Facebook Account.

33. At 4:41 p.m., Mayor Roque's iPhone connected a 1-minute call to the Joseph iPhone.

*Defendant Joseph Roque Takes Down the Recall Website*

34. At approximately 4:44 p.m., Go Daddy received a request over the Internet to reset the password for Victim 1's account at Go Daddy.

35. At approximately 4:44 p.m., Go Daddy sent an e-mail to the West New York News Account, the account that Victim 1 used to register the Go Daddy Account, with the subject "Information to Set Your Password" and containing an authorization code that could be used to reset the password to Victim 1's account. (As stated above in paragraph 27, defendant Joseph Roque had obtained control of the West New York News Account approximately 5 hours earlier).

36. Five minutes later, at 4:49 p.m., defendant Joseph Roque accessed Victim 1's Go Daddy account from his East Meadow residence and sent a command to a Go Daddy computer



cancelling the domain recallroque.com without authorization, effectively shutting down the website because the domain no longer connected Internet visitors to the Recall Website's content at Weebly.

37. At 4:53 p.m., defendant Joseph Roque accessed Victim 1's Weebly account and reset the password.

38. At 4:59 p.m., the Joseph iPhone called Public Official 1's telephone number for 2 seconds.

39. At 4:59 p.m., the Joseph iPhone called Mayor Roque's iPhone for 42 seconds.

40. At 5:06 p.m., Mayor Roque's iPhone was used to call the Joseph iPhone for nearly 7 minutes.

*Victim 2 Experiences the Shutdown of the Recall Website*

41. Victim 2 reported to law enforcement that Victim 2 had been on the Recall Website at approximately 5:26 p.m. when the Recall Website went down.

42. At 5:37 p.m., less than 11 minutes after Victim 2 could no longer access the Recall Website, Victim 2 received a telephone call from Mayor Roque, which Victim 2 recognized because of a ringtone that Victim 2 preprogrammed into Victim 2's telephone for incoming calls from Mayor Roque. (Toll records for Mayor Roque's Blackberry show an approximately 1-minute connection to Victim 2's telephone number at 5:37 p.m. on February 8, 2012).

43. At approximately 8:30 p.m., Mayor Roque contacted Victim 2 again. According to Victim 2, Mayor Roque left a voicemail message in which he stated that "Maria Pascuale" sent her regards. (As set forth above, Maria Pascuale was the alias that Victim 1 used to register the Recall Website and the West New York News Account).

*February 9, 2012 - Mayor Roque Harasses Victims 1 and 3 and Public Official 2 and Claims Responsibility for Shutting Down the Recall Website.*

44. On or about February 9, 2012 at 11:10 a.m., using his Blackberry, Mayor Roque called Victim 3, who had accessed the Recall Website. Mayor Roque accused Victim 3 of being involved in the Recall Website. Mayor Roque told Victim 3 that he had proof that Victim 3 was involved in the website and that he wanted to meet with Victim 3 in person, and would show Victim 3 the proof.

45. On or about February 9, 2012 at 11:55 a.m., using his iPhone, Mayor Roque called Victim 1 and stated that by Friday afternoon [February 9 was a Thursday], Mayor Roque would have proof that Victim 1 was involved with the Recall Website. Mayor Roque stated that

he, the Mayor, had a friend in high levels of government who had shut the Recall Website down. Mayor Roque instructed Victim 1 to check to see if Victim 1 could visit the Recall Website. According to Victim 1, Mayor Roque stated that everyone would pay for getting involved against him. Toll records from Mayor Roque's iPhone indicate that the call lasted approximately 6 minutes.

46. On February 9, at 2:10 p.m., one day after defendant Joseph Roque used his iPhone to view and take screen shots of communications between Victim 5 and Victim 1, Mayor Roque e-mailed Victim 5 threatening to refer Victim 5 to the IRS for a tax audit.

*February 10, 2012 - Mayor Roque Intimidates Victim 2*

47. On February 10, 2012, Victim 2 responded to Mayor Roque's voicemail message by e-mail. Victim 2 stated in Spanish, among other things, that Victim 2 was not aware that "Maria Pascuale" was a friend of Mayor Roque and that Victim 2 found it ironic that Mayor Roque would call "Maria Pascuale," who created the Recall Website, a friend.

48. In response to Victim 2's e-mail, Mayor Roque wrote in Spanish "I have always treated you with respect and courtesy, but I have copies of everything sent to the website and communications with names. Remember that I am in the Army with many friends. I am already communicating with those involved in the website. Sorry they closed the web site. Remember that I have always tried to help you." In English, he concluded, "Don't let me down. Your friend, Dr. Roque."

49. On or about February 10, 2012, at 9:34 p.m., Mayor Roque, writing from the e-mail address [painreliefcenter@\[Provider2\].net](mailto:painreliefcenter@[Provider2].net), forwarded to defendant Joseph Roque an e-mail message containing the substance of Victim 2's February 10 e-mail to Mayor Roque. Mayor Roque stated in English to defendant Joseph Roque: "Take a look at this."

*Mayor Roque Confirms His Unauthorized Access to the West New York News Account*

50. In or about early February 2012, Mayor Roque requested that Public Official 2 meet with him and Public Official 1 at Mayor Roque's medical office in West New York. According to Public Official 2, during the meeting, Mayor Roque showed Public Official 2 a stack of documents that consisted of e-mails that contained negative information about Mayor Roque. Mayor Roque told Public Official 2 that he had sources who had provided him with the e-mails. Mayor Roque further stated that they (Mayor Roque, Public Official 1, and Public Official 2) needed to "go after" West New York employees who were opposed to Mayor Roque.

51. In or about early February 2012, Mayor Roque requested that Victim 4 meet with him and Public Official 1 at Mayor Roque's medical office. According to Victim 4, during the meeting, Mayor Roque asked Victim 4 if Victim 4 was wired. Mayor Roque and Public Official 1 showed Victim 4 a stack of documents and told Victim 4 that the documents were proof that Victim 4 and others were creating a website in opposition to Mayor Roque. Mayor Roque also

told Victim 4 that he had recorded conversations between Victim 4 and others.

*February 11, 2012 - E-Mails and Texts Between Mayor Roque and Joseph Roque*

52. On or about February 11, 2012, at 6:29 p.m., Mayor Roque requested in an e-mail to defendant Joseph Roque that defendant Joseph Roque find out if the West New York News 2012 Account was "a legal e-mail?" In reply, at approximately 10:49 p.m., Joseph Roque stated "that's my e-mail that I used against them." In reply, at 7:34 a.m. on February 12, 2012, Mayor Roque wrote "Wow you are good. Love you."

53. On or about February 14, 2012 at 8:52 a.m., Mayor Roque sent a text message to defendant Joseph Roque stating "Take a look at a face book page run by Maria pascuale and let me know what we can do."

*February 17, 2012 Call*

54. On or about February 17, 2012, Victim 1 met with Mayor Roque and Public Official 1 at City Hall in West New York to discuss the Recall Website. Victim 1 recorded the meeting at the direction of law enforcement.

55. At the meeting, Mayor Roque again told Victim 1 that Mayor Roque could obtain proof that Victim 1 was sending information to the Recall Website. Victim 1 stated that during the meeting, Mayor Roque used his iPhone to place a call to and receive a call from an individual. Law enforcement personnel who listened to the recorded conversation that took place during the meeting heard Mayor Roque refer to the person on the other end of the calls as "Joe," Joseph Roque's first name.

56. During the conversation with "Joe," as partially overheard during Mayor Roque's meeting with Victim 1, Mayor Roque requested that "Joe" provide the Mayor with a transcript documenting Victim 1's involvement with the Subject Website. On the recording of the conversation, law enforcement personnel also heard Mayor Roque discussing Victim 1's communications with Victim 5, who had accessed the Recall Website, and communications that "Joe" had with Victim 5 in which "Joe" was impersonating the moderator of the Recall Website in an effort to identify Victim 5 and others who had provided information.<sup>1</sup> Mayor Roque repeated that Victim 1 was listed as one of the main points of contact for the Recall Website. Mayor Roque requested that "Joe" provide the Mayor something in writing to show Victim 1. In an attempt to, among other things, conceal the actual perpetration of the hacking, Mayor Roque

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<sup>1</sup>On or about February 9, 2012, defendant Joseph Roque saved an Internet chat transcript between Victim 5 and "Maria Pascuale," Victim 1's alias, under the file name "suspects.docx." In that chat, at a time when defendant Joseph Roque had already compromised the Facebook Account and the West New York News Account, "Maria Pascuale" attempted to have Victim 5 identify others involved with the Recall Website.

also stated: "a friend of mine he works in the- I can't tell you - three letters - CIA. You know. That's how I get information. So, what I'm doing is not very kosher."

57. Cell phone records obtained during the investigation establish that the calls during the recorded meeting with Mayor Roque were between Mayor Roque's iPhone and the Joseph iPhone.

*March 22, 2012 - The Search of Joseph Roque's Residence and Mayor Roque*

58. On or about March 22, 2012, law enforcement personnel searched Joseph Roque's East Meadow residence for evidence of criminal activity targeting Victim 1 and the Recall Website. There, they seized the Joseph iPhone and a laptop computer, both of which evidenced Mayor Roque's and defendant Joseph Roque's acts against the Recall Website, Victim 1's Facebook Account, and the West New York News Account.

59. On the same day, law enforcement personnel seized Mayor Roque's iPhone and Blackberry, both of which also evidenced Mayor Roque's and defendant Joseph Roque's acts against the Recall Website, Victim 1's Facebook Account, and the West New York News Account.

60. On or about March 22, 2012, law enforcement personnel also interviewed defendant Joseph Roque, who stated that he had hacked the e-mail account used as the point of contact for the Recall Website (i.e., the West New York News Account) by resetting its password with Provider 1. Defendant Joseph Roque stated that Mayor Roque had no knowledge that defendant Joseph Roque had hacked the Recall Website. When informed that law enforcement personnel had that day seized Mayor Roque's cellular telephones, defendant Joseph Roque looked toward the ceiling and appeared to mouth the words "Oh, F\*ck." Later, defendant Joseph Roque also stated to law enforcement personnel that he was not going to be able to go home for a week.

61. On or about March 22, 2012, law enforcement personnel also interviewed Mayor Roque, who stated that he asked his son Joseph to look into the Recall Website but that Joseph told Mayor Roque that he could not get onto the Recall Website. Mayor Roque further stated that he also tried to get onto the Recall Website twice but did not succeed. Mayor Roque denied directing his son, defendant Joseph Roque, to take down the Recall Website or to hack into it. Mayor Roque further stated that if his son did something wrong he [Joseph] should go to jail, and that if he [Mayor Roque] did something wrong he [Mayor Roque] should go to jail as well. Mayor Roque stated, among other things, that he would be fine if he had to go to jail because he was set financially and had "lived the dream" and would not have a problem with serving time in jail because he would work out and read while there.