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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**  
v. :  
RICHARD J. SIMONE, JR. : Mag. No. 13-4531 (LHG)

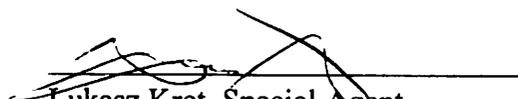
I, Lukasz Kret, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about the dates set forth in Attachment A to this Complaint, in the District of New Jersey and elsewhere, defendant RICHARD J. SIMONE, JR. did

SEE ATTACHMENT A

I further state that I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations, and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached affidavit and made a part hereof.

  
Lukasz Kret, Special Agent  
Homeland Security Investigations  
Department of Homeland Security

Sworn to before me and subscribed in my presence,  
September 16, 2013, at Trenton, New Jersey

HONORABLE LOIS H. GOODMAN  
UNITED STATES MAGISTRATE JUDGE

  
Signature of Judicial Officer

**ATTACHMENT A**

**COUNT ONE**

On or about August 11, 2013, in Essex County, in the District of New Jersey, and elsewhere, the defendant,

RICHARD J. SIMONE, JR.

did knowingly distribute material containing images of child pornography, as defined in 18 U.S.C. 2256(8)(A), which images had been shipped and transported in interstate commerce by any means, including computer.

In violation of Title 18, United States Code, Section 2252A(a)(2)(B) and Title 18, United States Code, Section 2.

**COUNT TWO**

On or about September 13, 2013, in Monmouth County, in the District of New Jersey, and elsewhere, the defendant

RICHARD J. SIMONE, JR.

did knowingly and willfully travel in interstate commerce from New York to Monmouth County, New Jersey, for the purpose of engaging in a sexual act with a person under the age of eighteen, that would be a violation of Chapter 109A, specifically, Title 18, United States Code, Section 2243(a), if the sexual act had occurred in the special maritime and territorial jurisdiction of the United States.

In violation of Title 18, United States Code, Section 2423(b) and Title 18, United States Code, Section 2.

## ATTACHMENT B

I, Lukasz Kret, am a Special Agent with the Department of Homeland Security, Homeland Security Investigations. I have personally participated in this investigation and am aware of the facts contained herein, based upon my own participation in this investigation, as well as information provided to me by other law enforcement officers. Because this Affidavit is submitted for the limited purpose of establishing probable cause, I have not included herein the details of every aspect of the investigation. Statements attributable to individuals contained in this Attachment are related in substance and in part, except where otherwise indicated.

1. On or about July 7, 2013, an HSI agent acting in an undercover capacity (the "UC") began communicating through an internet website (the "Website") with an individual using the screen name "Youngincest21." The Website was a bulletin board-style website that individuals can join and post and receive messages, pornography, and video related to various sexual subjects. Each member of the Website has a webpage on which he or she can post images and messages. The Website includes a feature that allows members of the website to send messages to other members via the Website.

2. On or about July 7, 2013, the UC sent the following message to "Youngincest21" via the Website:

Hey whats up. I'm a 48yo male with a daughter (very young) looking for her to have some fun. If interested hit me up. My e-mail address is [the "UC E-mail Account"] Chat with you soon.

[UC]

3. On or about July 8, 2013, the UC accessed the UC E-mail Account. The UC then retrieved the following e-mail that had been sent to the UC E-mail Account from an e-

mail account with the suffix “@aim.com,” which identified the account holder’s name as “Rich Simone” (hereinafter the “RS E-mail Account”):

July 8, 2013 at 6:51 p.m.

From: Rich Simone [RS E-mail Account]

To: [UC E-mail Account]

Subj: Reply to [Website] message (daughter)

Hey this is youngincest from [the Website] I am interested in helping your daughter have some fun what did you have in mind

Sent from my iPhone

4. On or about July 12, 2013, the UC, using the UC E-mail Account, exchanged the following e-mails with the RS E-mail Account:

July 12, 2013 at 9:10 a.m.

From: [UC E-mail Account]

To: Rich Simone [RS E-mail Account]

Subj: Re: Reply to [Website] message (daughter)

Hello Rich,

My daughter is 9yo, I have trained her since the age of 3yo. I’m looking to share her.

[UC]

July 12, 2013 at 11:23 a.m.

From: Rich [RS E-mail Account]

To: [UC E-mail Account]

Subj: Re: Reply to [Website] message (daughter)

What information is needed for us to meet or how would you like to meet and when is your best for you

Sent from my iPhone

5. On or about July 16 and July 17, 2013, the UC, using the UC E-mail Account, exchanged the following e-mails with the RS E-mail Account:

July 16, 2013 at 1:21 p.m.

From: Rich [RS E-mail Account]

To: [UC E-mail Account]

Subj: Re: Reply to [Website] message (daughter)

What are your requests and ill see what I can do with them may i know your daughters name and maybe a picture of her if that is not too much to ask

Sent from my iPhone

July 16, 2013 at 2:10 p.m.

From: [UC E-mail Account]

To: Rich [RS E-mail Account]

Subj: Re: Reply to [Website] message (daughter)

Hi Rich,

Giana, most call her Gia. I'm not putting my kids pics out on the internet unless I truly trust the person. Let me sleep on it and get back to you on that.

Are you willing to stay a weekend? Let me know and we can kick it.

[UC]

July 16, 2013 at 3:49 p.m.

From: Rich [RS E-mail Account]

To: [UC E-mail Account]

Subj: Re: Reply to [Website] message (daughter)

Where are you located I could prob stay a weekend just would need to get time off of work and thats completely understandable about pic also is that your only request or is there others

Sent from my iPhone

July 17, 2013 at 9:24 a.m.

From: [UC E-mail Account]

To: Rich [RS E-mail Account]

Subj: Re: Reply to [Website] message (daughter)

Okay that's cool, I work from home so weekday could work. Also, just don't do anything to her that will hurt her, no physical pain. I told you, I'm in NJ. Where are you coming from?

July 17, 2013 at 12:03 p.m.

From: Rich [RS E-mail Account]

To: [UC E-mail Account]

Subj: Re: Reply to [Website] message (daughter)

Id be coming from long island and i wouldn't hurt her physically you have my word on that you want me to stay overnight like a day or two and would this be a one time thing or possible happen more

Sent from my iPhone

6. An administrative subpoena to America Online (“AOL”), which operates e-mail addresses with the address “@aim.com,” revealed that the subscriber to the RS E-mail Account was a “Rich Simone.” AOL also provided several IP addresses used by the RS E-mail Account in July 2013, including 67.82.232.93. An administrative subpoena to Cablevision Systems Corporation revealed that that IP address was assigned to an address in Long Island, New York (the “Long Island Address”).

7. On or about July 19, 2013, the UC, using the UC E-mail Account, exchanged the following e-mails with the RS E-mail Account:

July 19, 2013 at 8:07 a.m.

From: [UC E-mail Account]

To: Rich [RS E-mail Account]

Subj: Re: Reply to [Website] message (daughter)

Hi Rich,

Good morning,

I went out last night to the movies, we saw the “Conjuring” holy shit! That movies is scary as hell. Freaked me out. I’m not sure if your into horror movies but it’s a must see.

Listen, on your visit here, you should bring your own condoms and your favorite lube. Don’t get the “KY” Intense, get the regular personal lube by “KY.” She doesn’t like the “Intense.” I have toys here I use on her but your welcome to bring your own. I must warn you, Giana is really good with her mouth you won’t be disappointed. Hey do you think we can chat a bit on [the Website] this morning or evening?

Send a pic of yourself and I’ll send you our pic

July 19, 2013 at 8:40 a.m.

From: Rich [RS E-mail Account]

To: [UC E-mail Account]

Subj: Re: Reply to [Website] message (daughter)

What time around at night all depends when i get home from work and fine with the condoms any chance of trying it raw at least once or no and i dont have any toys so if i can use the ones you have that would be great are all wholes available to be used are you going to watch or it just be me nd her alone and does she swallow sorry for all the questions and i may see it i want to see that ripd movie first i like the actors in that one

Sent from my iPhone

8. On or about July 20, 2013 and July 22, 2013, the individual using the RS E-mail Account sent e-mails to the UC, at the UC E-mail Account, with pictures of himself. The pictures of are a Caucasian male. Both pictures depict the male taking a picture of himself in a mirror.

9. On or about July 29, 2013, law enforcement agents conducted surveillance of the Long Island Address. During the surveillance, a number of cars were observed parked at the Long Island Address, including a black Toyota Corolla S sedan, bearing a Georgia license plate (the "RS Toyota"). A query conducted with the Georgia Department of Motor Vehicles revealed that the RS Toyota was registered to Richard Joseph Simone, Jr. with an address in Georgia, and that Richard Joseph Simone, Jr. was issued a Georgia driver's license at the same address in Georgia. A driver's license photograph of Richard Joseph Simone, Jr. was also obtained.

10. Richard J. Simone, Jr.'s drivers license photograph and the photographs that were e-mailed from the RS E-mail Account on or about July 20, 2013 and July 22, 2013, appeared to be the same individual.

11. On or about August 20, 2013, the UC e-mailed an undercover cellular telephone number (the "UC Phone") to the RS E-mail Account. The UC subsequently received a text message from the phone number (516) XXX-XXXX (the "RS Phone").<sup>1</sup> An administrative subpoena to AT&T Wireless/Cingular revealed that the RS Phone was subscribed to by a "Richard Simone," at an address in Georgia. The contact e-mail listed for the RS Phone was the RS E-Mail Account.

12. Between July 19, 2013 and September 13, 2013, the UC and Richard J. Simone, Jr. had numerous e-mail, text, and online conversations regarding Richard J. Simone, Jr. coming to New Jersey to engage in sexual relations with the UC's fictitious nine year-old daughter and the UC's fictitious minor babysitter, "Lucy."

13. One of those online conversations took place on or about August 11, 2013 on the Internet instant-messaging service "Yahoo! Messenger." The conversation was between the UC, in Essex County, New Jersey, using an undercover Yahoo! Messenger screen name (the "UC Yahoo! Screen Name") and Yahoo! Messenger screen name "youngexplorer21" ("Youngexplorer21"). Prior to that conversation, the UC had e-mailed the UC Yahoo! Screen Name to the RS E-mail Account. The UC was then contacted via Yahoo! Messenger by Youngexplorer21.

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<sup>1</sup> The area code (516) is assigned to phone numbers in Long Island, New York.

14. During an August 11, 2013 conversation, nine images of what appear to be child pornography were sent by Youngexplorer21 to the UC Yahoo! Screen Name via Yahoo! Messenger. Three of those images are described as follows:

- a. ZVETdh.jpg: This image depicts a prepubescent female posing in a sexually explicit manner. The female is visible from the top of her head to her knees and is naked except for a white beaded necklace and a pink ribbon in her hair. She is lying on her back resting on her elbows. Her arms are bent at the elbow and her legs are spread exposing her genital area. A white liquid, consistent with semen, is visible on her vaginal area and the area between her legs as well as on her stomach.
- b. oral[000214].jpg: This image depicts an individual of indeterminate age and sex performing oral sex on a prepubescent male. The prepubescent male is visible from his waist to his knees. His pants have been pulled down exposing his genital area. He is wearing gray pants and multi-colored underwear is visible beneath his pants. The second individual is wearing a baseball cap and is visible from the top of his/her head to his/her shoulder. The left arm of the second individual is lying across the lap of the prepubescent male. In addition, and the prepubescent male's penis is in the mouth of the second individual.
- c. -(93).jpg: This image depicts an adult male engaged in sexual intercourse with a prepubescent female. Both individuals are naked. The prepubescent female is visible from her shoulder to above her ankles. In addition, her chin and part of her mouth are also visible. Her legs are spread and straddling the adult male who is visible from his chest to his knees. The arms of the prepubescent female are bent at the elbow and she is holding the erect penis of the adult male in her right hand. The tip of the penis is partially inserted into the female's vagina.

15. An administrative subpoena to Yahoo! revealed that the subscriber to Youngexplorer21 was "Richard Simone." The contact telephone number for that subscriber was the RS Phone Number. Yahoo! also provided that Youngexplorer21 used the IP Address 68.197.221.125 on August 11, 2013. An administrative subpoena to Cablevision Systems Corporation revealed that on August 11, 2013 that IP address was assigned to the Long Island Address.

16. On or about August 28, 2013, a law enforcement agent conducted surveillance of the Long Island Address. During the surveillance, the agent observed the same black Toyota Corolla S sedan, bearing a Georgia license plate that had been observed at the Long Island Address on July 29, 2013. The agent also observed a Caucasian male exit the Long Island Address and enter the Toyota Corolla. The agent subsequently reviewed the driver's license photograph for Richard Joseph Simone, Jr. that had been obtained from the Georgia Department of Motor Vehicles. The agent confirmed that the photograph matched the individual who he had observed exiting the Long Island Address and entering the Toyota Corolla on August 28, 2013.

17. On or about August 31, 2013, the RS Phone and the UC, using the UC Phone, exchanged the following text messages:

UC Phone: Gia and i are tired. we r taking a Nap:)

\* \* \*

RS Phone: Lucky, did u blow a load in her ass first

UC Phone: im thinkin some oral. i havnt touched her ass for a while now savin it for u

RS Phone: Mmm man its gonna be so tight again she may be in a lil pain when I go into her ass if it tightens up too mich cant want to feel her pussy

RS Phone: And nice with the oral wish i could have my dick in gia ass while she there sucking you off

\* \* \*

RS Phone: Not much of a train only two of us lol but we could try that and well when we watch lucy play with gia we or u tell her how shes only allowed to play with gia while they are both naked then while lucy licking or doing whatever to gia we standing there naked stroking watching and then ill move in or you and we start or i or whoever starts will try starting to rub lucy pussy while she playing with gia or

licking lucy pussy as she playing with gia shell be horny and getting played with while she playing shed wouldnt resist or even think bout wats going on prob

RS Phone: Any thoughts or ideas on the plan

UC Phone: Damn that sounds gud. are u thinkin anal wit lucy?

RS Phone: Im thinking all her holes will be ours or mine if u saying she not really your type but will turn her into our lil play girl along with gia if she gonna play with us she gotta have all holes available there two guys we gona have her loving threesomes

18. On or about September 4, 2013, the RS Phone and the UC, using the UC Phone, exchanged the following text messages:

UC Phone: Hows this saturday [September 7, 2013] looking for you?

RS Phone: So far so good

19. On or about September 5, 2013, the RS Phone and the UC, using the UC Phone, exchanged the following text messages:

RS Phone: Hey how mad at me would u be if i said i wasnt gonna be able to make it sat my friend wants me try out for a fbAll or already signed me up to try out without my knowlege nd the tryouts early sun morn i mean i could technically make it sat but i wouldnt really be able to stay late so idk what to do

UC Phone: Hey man no worries good luck, hit us up and let us know if u make the team. flag football? let me know when you want to come over and we can have fun wit the girlz.

RS Phone: Just sucks having secret lives sometimes but hopefully soon

20. On or about September 8, 2013, the RS Phone and the UC, using the UC Phone, exchanged the following text messages:

UC Phone: you having second thoughts bout coming down to play wit giana & lucy?

RS Phone: No i want to trust me i do its just become more difficult which rlly sucks

UC Phone: dude how bout this friday? wat do think?

RS Phone: Depends on work i may be working but possibly off sat so if i am i should be able to

UC Phone: the call is yours. friday or sat would be gud for us. i just want to trust u and not play any games u understand right?

RS Phone: I understand

UC Phone: wen do u think ull know for sure?

RS Phone: Closer to end of the week

\* \* \*

UC Phone: Me an the girlz can meet u at restaurant then just go to my our place, the girlz & me cud get takeout. then u can follow me and the girlz to the house if that works 4 u.

RS Phone: Ya thats fine

UC Phone: K dude

RS Phone: When i knw better ill let ya knw

21. On or about September 12, 2013, the RS Phone and the UC, using the UC Phone, exchanged the following text messages:

RS Phone: Hey so far everything looking good for tmrw [September 13, 2013] i applied for another job so as long as they dont call back were good

UC Phone: Ok cool

RS Phone: How r things going for u nd the girls

UC Phone: Really gud u?  
RS Phone: There doing alright hoping i get second job i never got that pic of gia in her cheer uniform btw lol  
RS Phone: Hows gia nd lucy liking school or there classes  
UC Phone: Great - r u still working? wat time tomorrow?  
RS Phone: Im working nd idk if ill be working tmrw so could be sometime throughout the day or night time ill know better time of when later tnight

22. On or about September 13, 2013 the RS Phone and the UC, using the UC Phone, exchanged the following text messages:

UC Phone: Wats goin on?  
RS Phone: Hopin in shower then interview then to u wat is an adress to meet u at  
UC Phone: Ok wat time will u be here?  
RS Phone: I need an address otherwise cnt rily tell u  
UC Phone [Address in Monmouth County, New Jersey (the "Monmouth Address")]  
RS Phone: Baby oil work fine or no  
UC Phone: Yup  
RS Phone: Wat address is tat  
UC Phone: [Monmouth Address] is the restaurant  
RS Phone: Which one again both girls having dinner or just gia  
RS Phone: On way

23. On or about September 13, 2013, law enforcement observed Richard J. Simone, Jr. exit the Long Island Address and enter the RS Toyota. Law enforcement subsequently observed Richard J. Simone, Jr. travel in the RS Toyota from the Long Island

Address to the Monmouth Address. Richard J. Simone was arrested by law enforcement at the Monmouth Address at approximately 7:00 p.m. on September 13, 2013.