
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Mag No. 14-6013
v. :
BRANDON MCINTYRE : **CRIMINAL COMPLAINT**


I, Sean M. McDermott, 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.


Sean M. McDermott, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

September 11, 2014 at Newark, New Jersey
Date City and State

Honorable Steven C. Mannion
United States Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

ATTACHMENT A

Count I
Stalking

In or about March and April 2014, in the District of New Jersey, and elsewhere, defendant

BRANDON MCINTYRE

did knowingly with the intent to kill, injure, harass, intimidate, VICTIM 1, a minor female, using interactive computer service and electronic communication service and electronic communication system of interstate commerce in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to VICTIM 1.

In violation of Title 18, United States Code, Section 2261A(2)(B).

Count II
Sexual Exploitation of Children

In or about August 2013, in the District of New Jersey, and elsewhere, defendant

BRANDON MCINTYRE

did knowingly employ, use, persuade, induce, entice, and coerce VICTIM 2, a minor female, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce.

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

ATTACHMENT B

I, Kevin P. 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.

Background

1. At all times relevant to this Complaint, defendant BRANDON MCINTYRE ("MCINTYRE") resided in the District of New Jersey.

Stalking

2. From in or around March 2014 through April 2014, defendant MCINTYRE communicated via Facebook and text messaging with a minor female ("VICTIM 1") who resides outside of New Jersey.

3. MCINTYRE used the alias "Katie Thompson" ("Thompson") to communicate with VICTIM 1 via Facebook messenger.

4. Over the course of the correspondence between VICTIM 1 and Thompson, MCINTYRE urged VICTIM 1 to agree to go on a trip with MCINTYRE. When VICTIM 1 refused to go on any trips or go out with him, MCINTYRE, via the Thompson account, threatened VICTIM 1 with the following message: "Uk what I had enough of ur shit and u just hiurt him [MCINTYRE] again so hurt him one more time and I swear I will report ur parents for abuse cuz u said in messages and texts they would do stuff so that's all the evidence I need so they will be taken to prison never allowed to see u again and will put on the registered child abusers list and I'll make sure [VICTIM 1's boyfriend's name] never sees u again for the rest of ur life. So go ahead hurt him again and see what I do cuz its not right he's giving what u want and u won't even do one thing he wants and he even made it a closer spot to accommodate u so its ur choice cuz I'm done being nice."

6. Over numerous messages, MCINTYRE through the Thompson account, threatened to kill, harm and/or injure VICTIM 1's family and boyfriend if VICTIM 1 did not agree to go out with MCINTYRE.

Sexual Exploitation of Children

1. Beginning in or around August 2013, defendant MCINTYRE communicated via Facebook with a minor female ("VICTIM 2") who resides outside of New Jersey.

2. Over the course of their correspondence, MCINTYRE and VICTIM 2 participated in Facebook messages where each described performing sexual acts on the other. On August 6, 2013, MCINTYRE sent a photo of a penis to VICTIM 2. The following day, MCINTYRE asked VICTIM 2 to send him a photo of her vaginal area. VICTIM 2 refused to send a photo and stated it made her feel uncomfortable doing that. On August 8, 2013, MCINTYRE sent VICTIM 2 a total of nine photos. Of the nine photos, two photos depicted a penis and scrotum and a clothed genital area covered with boxers with a finger touching what appears to be ejaculate coming from the genital area through the boxers. After sending those photos to VICTIM 2, MCINTYRE asked her again to send him a photo of her vaginal area. VICTIM 2 reminded MCINTYRE that she was twelve years old and was not prepared to send him a photo.

3. On August 9, 2013, MCINTYRE sent VICTIM 2 the three following Facebook messages: 1) "Send me the damn pussy piccc nowww u owe me.it!!!!!! And im not.afraid cuz im a cop.and.dads the police.comissioner now send the pic" 2) "...now send the.picture nowwwwww before u make me.do.something I will regret" 3) "then ur life.will be a living hell and ill.make sure u don't.pass ur classes and.make sure u have detention everyday" 4)"cuz uk u can be facing.jailtime right for.failure.to.comply with an.officers order and that's a felony on ur record, \$3500 fine, 5yrs state prison where ud prob be raped by the women and ur.put.on. the abusers list plus ud be expelled from school." After several other exchanges via Facebook, VICTIM 2 then responded, "ok I'll take the picture :(“ MCINTYRE then responded, "ok send the pussy picture then with ur fingers feeling it..."

4. In response to MCINTYRE'S messages on August 9, 2013, on or about August 11, 2013, VICTIM 2 sent MCINTYRE two photos with the following images:

Filename	Description
1005487_373316802797504_9692677418_n.jpg	This image is of a white prepubescent female with her head bent over and her hair hanging in front of her face who standing and is nude exposing her breasts and vaginal area.
946362_373317212797463_208591177_n.jpg	This image is a close up of the vaginal area of what appears to be a white prepubescent female with fingers spreading the opening of the vagina.

5. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the images described in paragraph 4 above were transported and transmitted in interstate commerce and were produced using materials that were mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.