

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

UNITED STATES OF AMERICA : Hon. Jessica S. Allen
: :
v. : Magistrate. No. 24-8000
: :
FRANCISCO VILLAFANE : **CRIMINAL COMPLAINT**

I, Monica Cueto, 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 pages and made a part hereof.

/s/ Monica Cueto
Monica Cueto, Special Agent
Federal Bureau of Investigation

Special Agent Monica Cueto attested to this Affidavit by telephone pursuant to F.R.C.P. 4.1(B)(2)(A) on this 13th day of February, 2024.

/s/ Jessica S. Allen
Hon. Jessica S. Allen
United States Magistrate Judge

ATTACHMENT A

Count 1
(Possession of Child Pornography)

From in or around October 2023 through on or about February 12, 2024, in Middlesex County, in the District of New Jersey and elsewhere, the defendant,

FRANCISCO VILLAFANE

did knowingly possess material that contained child pornography, as defined in Title 18, United States Code, Section 2256(8), which images had been mailed, shipped, and transported using any means or facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that were produced using materials that had been mailed, and 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 2252A(a)(5)(B) and (b)(2).

Count 2
(Receipt of Child Pornography)

From in or around October 2023 through in or about November 2023, in Middlesex County, in the District of New Jersey and elsewhere, the defendant,

FRANCISCO VILLAFANE

did knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Section 2252A(a)(2)(A) and (b)(1).

Count 3
(Distribution of Child Pornography)

On or about October 31, 2023, in Middlesex County, in the District of New Jersey and elsewhere, the defendant,

FRANCISCO VILLAFANE

did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8), using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Section 2252A(a)(2)(A) and (b)(1).

ATTACHMENT B

I, Monica Cueto, am a Special Agent of the Federal Bureau of Investigation. The information contained in the complaint is based upon my personal knowledge, as well as information obtained from other sources, including: (a) statements made or reported by various witnesses with knowledge of relevant facts; (b) my review of publicly available information; and (c) my review of items of evidence. Because this complaint is being submitted for a limited purpose, I have not set forth every fact that I know concerning this investigation. Where the contents of documents and the actions and statements of others are reported, they are reported in substance and in part, except where otherwise indicated. 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. In or around September 2020, law enforcement received information indicating that a thirteen-year-old female child (“Minor Victim-1”) had been engaged in an online sexual relationship with an adult male, who was subsequently identified as FRANCISCO VILLAFANE (“VILLAFANE”).

2. On or about September 10, 2020, law enforcement conducted a forensic interview of Minor Victim-1, who confirmed that she informed VILLAFANE that she was thirteen years old at the time. Minor Victim-1 informed law enforcement, among other things, that she created a video of herself masturbating with a hairbrush at VILLAFANE’s request.

3. In or around November 2023, law enforcement learned that Minor Victim-1, then sixteen years old, reengaged contact with VILLAFANE. A lawful search of Minor Victim-1’s phone revealed over 7,000 messages between Minor Victim-1 and a phone number belonging to VILLAFANE (the “Villafane Phone”). In a video sent from the Villafane Phone to Minor Victim-1’s phone on or about November 2, 2023, VILLAFANE’s face is clearly visible.

4. On or about October 31, 2023, VILLAFANE texted Minor Victim-1 a video depicting the screen of his laptop computer, which displayed numerous thumbnails of computer files. The user in the video, later confirmed to be VILLAFANE, can be seen scrolling down the page containing the thumbnails and is heard in the background saying, “this right here, this is everything you sent me. Good and bad, like, everything. I never deleted anything.”

5. VILLAFANE subsequently texted Minor Victim-1 a second video file, approximately 42 seconds in duration, which again depicted a laptop screen. The laptop is seen displaying a video, in which a female masturbates with a hairbrush, consistent with the description of the video Minor Victim-1 recorded of herself when she was thirteen years old. Minor Victim-1 responded by observing how “tiny” parts of her body appeared, and “how much skinnier” she was.

6. VILLAFANE also instructed Minor Victim-1 to create and send new images of herself. Specifically, on or about October 29, 2023, VILLAFANE asked to see Minor Victim-1 masturbate, and Minor Victim-1 sent VILLAFANE a video of herself masturbating as VILLAFANE had instructed. Additionally, on or about October 30, 2023, VILLAFANE instructed Minor Victim-1 to record herself masturbating with a hairbrush in a specific pose. Minor Victim-1 then sent VILLAFANE two videos of herself masturbating with a hairbrush as VILLAFANE had instructed.

7. Text messages between VILLAFANE and Minor Victim-1 confirm that VILLAFANE was aware of Minor Victim-1's age at all relevant times. For example, on or about October 30, 2023, during a conversation about Minor Victim-1's age, VILLAFANE texted Minor Victim-1, "I'm willing to spend life in prison to be with you." Additionally, on or about November 4, 2023, Minor Victim-1 asked VILLAFANE if their age gap bothered him, and noted that he "came for a 13 y/os body."

8. On or about February 12, 2024, law enforcement executed a lawfully obtained search warrant at VILLAFANE's residence. During the search, law enforcement seized electronic devices, including three cellphones and a laptop computer.

9. A preliminary review of one of VILLAFANE's cellphones revealed his text conversation with Minor Victim-1. Law enforcement confirmed the presence of child pornography on that device, including the following:

FILE NAME	DESCRIPTION
[Video-1]	This video is approximately 38 seconds long and is associated with the date October 31 at 3 pm. The video appears to depict the close-up of a pubescent female masturbating, and at the end of the video, the face of Minor Victim-1 is visible.
[Video-2]	This video is approximately 1 minute and 28 seconds long and is associated with the date November 1 at 6:04 PM. This video appears to depict Minor Victim-1 exposing her genitals and masturbating.
[Video-3]	This video is approximately 1 minute and 28 seconds long and is associated with the date November 3 at 9:46 PM. This video appears to depict Minor Victim-1 masturbating with the handle of a hairbrush.

10. During the search, law enforcement conducted a post-*Miranda* interview of VILLAFANE. In the interview, VILLAFANE admitted (among other things) that he was aware of Minor Victim-1's age, and he admitted that he sent and received the text messages described above. He claimed that he deleted child pornography from his laptop approximately one month ago.

11. Based on my education, training, and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the child pornography files described above traveled 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—more specifically, the images were received and transmitted via cellular devices in the manner described above.