
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Leda Dunn Wettre
v. :
JAMES A. DIGGS : Mag. No. 20-13237
: **CRIMINAL COMPLAINT**
:

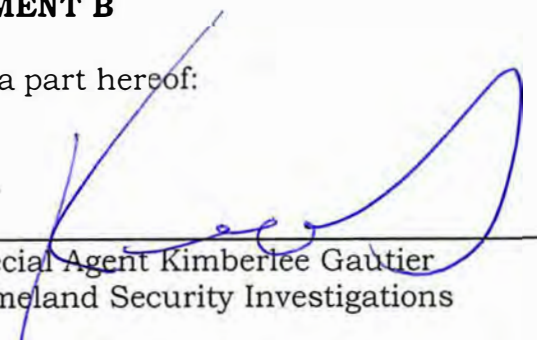
I, Kimberlee Gautier, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

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


SEE ATTACHMENT B

Continued on the attached page and made a part hereof:


Special Agent Kimberlee Gautier
Homeland Security Investigations

Sworn to before me and subscribed in my presence,
June __, 2020 in Newark, New Jersey

HONORABLE LEDA DUNN WETTRE
UNITED STATES MAGISTRATE JUDGE


Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

(Online Enticement of a Minor to Engage in Sexual Activity)

Between in or around September 2018, and in or around February 2019, in Middlesex County, in the District of New Jersey and elsewhere, the defendant,

JAMES A. DIGGS,

did use any facility of interstate and foreign commerce to knowingly persuade, induce, entice, and coerce Minor Victim-1, an individual who had not attained the age of 18 years, to engage in any sexual activity for which any person could be charged with an offense.

In violation of Title 18, United States Code, Section 2422(b).

COUNT TWO
(Foreign Travel to Engage in Criminal Sexual Activity)

On or about October 1, 2018, in the District of New Jersey, and elsewhere,
the defendant,

JAMES A. DIGGS,

did travel in foreign commerce, and did engage in illicit sexual conduct, as
defined in Title 18, United States Code, Sections 2423(f), with another person,
namely, Minor Victim-1.

In violation of Title 18, United States Code, Section 2423(c).

ATTACHMENT B

I, Kimberlee Gautier, am a Special Agent with Homeland Security Investigations ("HSI") within the United States Department of Homeland Security. The information contained in this Criminal Complaint is based on my personal knowledge and on information obtained from other sources, including but not limited to: (a) statements made or reported by various witnesses with knowledge of relevant facts; (b) my review of information provided by other law enforcement officers and entities; and (c) my review of information received pursuant to search warrants and subpoenas. 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. At all times relevant to this Complaint, the defendant, James A. Diggs ("DIGGS"), was a resident of Middlesex County, New Jersey. Based on the investigation, Minor Victim-1, Minor Victim-2, Minor Victim-3, and Minor Victim-4 were each minors under the age of 18 who resided in the Philippines.

2. In or around March 2019, law enforcement agents began investigating DIGGS for violations of federal child exploitation laws. Specifically, HSI received information that DIGGS had engaged in child sex tourism, as well as the online enticement of minors for sexual acts.

3. The investigation has revealed that, between in or around September 2018 and in or around February 2019, DIGGS used an online messaging application to persuade, induce, entice, and coerce minor victims located in the Philippines to engage in sexual activity. Online communications exchanged between DIGGS and his minor victims further indicate that DIGGS traveled to the Philippines to meet and engage in sexual activity with at least one of them.

The Online Enticement of Minor Victim-1

4. The investigation has revealed that, between in or around September 2018 and in or around February 2019, DIGGS engaged in a series of sexually-explicit text communications with Minor Victim-1, using an online messaging application. A review of the communications indicates that DIGGS knew that Minor Victim-1 was less than 18 years' old. For example, on or about January 22, 2019, DIGGS sent a text communication to Minor Victim-1, stating, "Remember wen u was 14 i see u swimming I wanted u then." Moreover, on or about January 4, 2019, Minor Victim-1 sent a text communication to DIGGS stating that Minor Victim-1 was "16 [years' old] only

2 years to wait and im 18.” During DIGGS’s communications with Minor Victim-1, DIGGS encouraged Minor Victim-1 to keep their relationship secret because Minor Victim-1 was underage.

5. During the communications between DIGGS and Minor Victim-1, DIGGS solicited Minor Victim-1 to engage in sexual acts with him in return for money or material objects. For example, on or about September 26, 2018, DIGGS and Minor Victim-1 exchanged text messages whereby DIGGS offered to buy Minor Victim-1 a cellular phone in return for anal sex. During their conversation, DIGGS also offered to buy Minor Victim-1 shoes, a jacket, a polo shirt, and “sexy” underwear, in return for sex acts.

Foreign Travel to Engage in Criminal Sexual Activity

6. DIGGS also used an online messaging application to plan and discuss future sexual encounters with Minor Victim-1. For example, on or about September 29, 2018 and September 30, 2018, DIGGS and Minor Victim-1 discussed DIGGS’s upcoming trip to Manila, Philippines. DIGGS told Minor Victim-1 that they would stay at a hotel in Manila and that DIGGS would touch Minor Victim-1 “at night wen [sic] everyone is sleeping.” When Minor Victim-1 suggested that the sexual encounter would be limited to DIGGS only touching Minor Victim-1, DIGGS responded, “that is bad coz if u want to limit me to touch u that bad for me” and “I wont make that deal.”

7. According to travel records, on or about October 1, 2018, DIGGS traveled from New Jersey to the Philippines, where he remained until on or about October 14, 2018 (the “October 2018 Trip”). Text communications sent between DIGGS and Minor Victim-1 during and after that time period indicate that DIGGS and Minor Victim-1 engaged in illicit sexual conduct while DIGGS was in the Philippines. For example, on or about October 12, 2018, Minor Victim-1 sent DIGGS text communications negotiating a price for sex and offering to have sex in a public restroom. On or about January 21, 2019 and January 22, 2019, DIGGS texted Minor Victim-1, making sexually explicit references to prior sex acts they had engaged in together.

The Online Enticement of Other Minor Victims

8. According to the investigation, DIGGS also engaged utilized an online messaging application to entice and coerce other minor victims in the Philippines to engage in unlawful sex acts. For instance, evidence uncovered during the investigation indicates that from between or about January 15, 2019 through January 30, 2019, DIGGS communicated with Minor Victim-2 via an online text messaging application. Specifically, on or about January 26, 2019, DIGGS asked Minor Victim-2 “wats ur age now,” and Minor Victim-2 responded, “17.” DIGGS told Minor Victim-2 that DIGGS would be in the Philippines on or about February 12, 2019, and that DIGGS hoped that Minor

Victim-2 would meet DIGGS in person “this time.”¹ On or about January 27, 2019 and January 30, 2019, DIGGS sent messages to Minor Victim-2 asking what sexual acts DIGGS could perform with Minor Victim-2. DIGGS also offered Minor Victim-2 money in return for sex.

9. The investigation further indicates that DIGGS was communicating with another minor, Minor Victim-3, during the same time period. For instance, on or about January 29, 2019 DIGGS exchanged online text communications with Minor Victim-3, in which DIGGS emphasized the need to keep their “relationship between just us [. . .] Coz dont forget ur age still under 18.” On or about February 12, 2019, when travel records indicate that DIGGS was in the Philippines, DIGGS exchanged online messages with Minor Victim-3 to arrange a sexual encounter. Specifically, DIGGS asked Minor Victim-3 to stay with him overnight at his hotel, and told Minor Victim-3 that he intended to remove Minor Victim-3’s clothing.

10. Between or about September 13, 2018 and January 29, 2019, the investigation also indicates that DIGGS exchanged sexually-explicit messages with Minor Victim-4, another minor who the investigation reveals was under the age of 18 during his/her communications with DIGGS. On or about September 13, 2018, shortly before DIGGS took the October 2018 Trip discussed above, DIGGS sent a message to Minor Victim-4 indicating that DIGGS would be leaving New Jersey for the Philippines in the near future. DIGGS told Minor Victim-4, “I’ll make love with u wen I come there [. . .] Kiss you all over.” DIGGS and Minor Victim-4 also discussed a transfer of funds into Minor Victim-4’s bank account. During their communications, DIGGS also requested that Minor Victim-4 “take pic of ur butt for me.”

11. On or about October 14, 2018, after DIGGS had returned to New Jersey from the Philippines, he exchanged messages with Minor Victim-4 in which DIGGS referenced things that happened “in bed” between them. DIGGS also threatened to stop giving Minor Victim-4 money if Minor Victim-4 did not comply with DIGGS’s sexual requests in the future.

DIGGS’s Statements to Law Enforcement

12. Travel records indicate that between on or about February 3, 2015 and on or about February 23, 2019, DIGGS has traveled to the Philippines on at least seven occasions. As described above, at least two of those trips overlapped with the sexually explicit messages that DIGGS was sending to minor victims located in the Philippines.

¹ Travel records indicate that DIGGS travelled to the Philippines on or about January 30, 2019 and returned to the United States on or about February 23, 2019 (the “February 2019 Trip”).

13. On or about August 20, 2019, DIGGS arrived at John F. Kennedy International Airport ("JFK") after having attempted to travel to the Philippines and having been denied entry into the country. When he arrived at JFK, law enforcement agents approached DIGGS and asked to speak with him. DIGGS was given a *Miranda* warning, and thereafter decided to speak with the agents about some of the events described above. Specifically, DIGGS stated that he had previously traveled to the Philippines, and that he had engaged in sexual activities, including intercourse, with minors while there. DIGGS admitted that, during the October 2018 Trip, he had engaged in sexual activity with Minor Victim-1, whom DIGGS knew was under the age of 18. DIGGS told the agents that he had paid Minor Victim-1 for sex. DIGGS also told law enforcement that he exchanged sexually explicit online communications with Minor Victim-2, whom he knew was under 18 years' old, and had attempted to coerce Minor Victim-2 to have sex with him during the February 2019 Trip. DIGGS further admitted to exchanging sexually explicit messages with Minor Victim-3 and Minor Victim-4. Finally, DIGGS stated that he had intended to engage in sexual activity with Minor Victim-4 during the October 2018 Trip, but Minor Victim-4 had refused, making DIGGS angry.