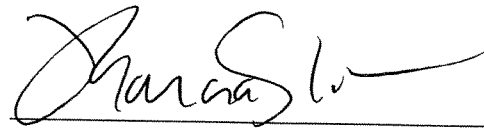


Approved:



Marcia S. Cohen
Assistant United States Attorney

COPY

Before:

HONORABLE JUDITH C. MCCARTHY
United States Magistrate Judge
Southern District of New York

16 mag 2846

----- x SEALED COMPLAINT

UNITED STATES OF AMERICA

: Violation of
18 U.S.C.
: & 2251(a)

-v.-

ROBERT J. GARNEAU,
a/k/a "Raptorrr427,"
a/k/a "Bobby Sixx,"

: COUNTY OF OFFENSE:
ORANGE COUNTY

Defendant

:

----- x
SOUTHERN DISTRICT OF NEW YORK, ss.:

KELLEY MCMANUS, being duly sworn, deposes and says that she is a Special Agent with the Department of Homeland Security, Homeland Security Investigations and charges as follows:

COUNT ONE

1. Between in or about September 2014 up to and including on or about December 1, 2014, in the Southern District of New York and elsewhere, ROBERT J. GARNEAU, the defendant, unlawfully, willfully and knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and the defendant knew and had reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in or affecting interstate and foreign commerce and mailed, and the visual depiction would be produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means including by

computer, to wit, ROBERT J. GARNEAU, the defendant, while in Warwick, New York and in transit to Brookville, New York, communicated with a minor ("Victim-1") online and convinced Victim-1 to take and send sexually-explicit photographs of Victim-1 to GARNEAU, the defendant.

(Title 18, United States Code, Section 2251(a).)

COUNT TWO

2. On or about August 10, 2015, in the Southern District of New York and elsewhere, ROBERT J. GARNEAU, the defendant, unlawfully, willfully and knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and the defendant knew and had reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in or affecting interstate and foreign commerce and mailed, and the visual depiction would be produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means including by computer, to wit, ROBERT J. GARNEAU, the defendant, while in Warwick, New York, communicated with a minor ("Victim-2") online and asked Victim-2 to take and send sexually-explicit photographs and video of Victim-2 to GARNEAU, the defendant.

(Title 18, United States Code, Section 2251(a).)

COUNT THREE

3. On or about July 18, 2015, in the Southern District of New York and elsewhere, ROBERT J. GARNEAU, the defendant, unlawfully, willfully and knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and the defendant knew and had reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in or affecting interstate and foreign commerce and mailed, and the visual depiction would be produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means including by

computer, to wit, ROBERT J. GARNEAU, the defendant, while in Warwick, New York, communicated with a minor ("Victim-3") online and convinced Victim-3 to take and send sexually-explicit photographs and videos of Victim-3 to GARNEAU, the defendant.

(Title 18, United States Code, Section 2251(a).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"), assigned to the HSI Hudson Valley Office. I have been a Special Agent with HSI and its predecessor agencies since 2003. During my tenure as a Special Agent, I have conducted and participated in numerous investigations of criminal activity involving crimes against children, including the receipt, possession, and/or distribution of child pornography by electronic means, sexual exploitation, and enticement of minors. I have gained expertise in these areas through training and daily work related to conducting these types of investigation.

5. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement officers and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

6. In or about December 2014, I spoke to a detective with the Vacaville Police Department in Vacaville, California (the "Detective") who told me that, in or about December 2014, the Detective spoke to a 12-year-old victim ("Victim-1"). According to the Detective, Victim-1 told the Detective the following:

a. Around September 2014, Victim-1 was contacted via Instagram by an individual using the screen names "Raptorrr427" and "Bobby Sixx" ("Raptorrr427"). "Raptorrr427" told Victim-1 that he was 16 years old and that he was in New York and could only communicate online. "Raptorrr427" told Victim-1 that they should communicate via Kik instead of Instagram and provided his Kik username to Victim-1, which he said was "Raptorrr427."

b. Victim-1 said that, while communicating via Kik, "Raptorrr427" asked Victim-1 to assist Raptorrr427 in breaking up with "Raptorrr427"'s girlfriend, who "Raptorrr427" identified as someone named "Allison Denario." "Raptorrr427" also directed Victim-1 to "Allison Denario"'s Instagram and Kik accounts.

c. Victim-1 contacted "Allison Denario" on Kik. During the conversation, "Allison Denario" asked Victim-1 to take a nude picture of Vcitim-1 and send it to her. After a series of back-and-forth communications, Victim-1 agreed to send a nude photo and, on or about November 30, 2014, sent her a photo via Kik.

d. Victim-1 stated that, just after sending "Allison Denario" the nude photo, "Raptorrr427" contacted Victim-1 via Kik and asked why Victim-1 was sending nude photos to his girlfriend. "Raptorrr427" told Victim-1 that he had committed a crime in sending the photo and told Victim-1 that "Raptorrr427"'s father is a police detective. Raptor427 told Victim-1 that, if Victim-1 did not send "Raptorrr427" additional nude photos of Victim-1 including a photo of Victim-1 "jerking," "Raptorrr427" would tell his father and have Victim-1 arrested. Over the next two days, Victim-1 took additional nude photos of himself and sent them to "Raptorrr427" via Kik.

7. The Detective videotaped an interview of Victim-1 which I have reviewed. During the interview, Victim-1 provided the substance of the details outlined above concerning Victim-1's communications with "Allison Denario" and "Raptorrr427."

8. According to the Detective, Victim-1 provided the Detective with an Apple Ipod Touch ("Ipod") the Victim-1 used to communicate with "Raptorrr427." Following receipt of the Ipod, the Detective, who is specially trained in forensic computer analysis, conducted a review of the data on the Ipod and discovered, among other things, a series of Kik communications between Victim-1 and "Raptorrr427" beginning on November 30, 2014 and continuing until December 1, 2014. The Detective provided me with the extraction report ("Report") from the Ipod and I have reviewed it.

9. The Report reveals, among other things, that on November 30, 2014, "Raptorrr427" referred to Victim-1's sending of "nudes to my gf." During the communications on November 30, 2014, "Raptorrr427" told Victim-1 that his dad was a detective and directed Victim-1 to "send me the pic." Victim-1 told "Raptorrr427" that he didn't want to go to jail and he didn't

want to "jerk off with you." "Raptorrr427" responded, "but u r gonna." The Report contains photos sent by Victim-1 to "Raptorrr427" and indicates that those photos were sent beginning on or about November 30, 2014 up to December 1, 2014. There are approximately five photographs revealing a pubescent male who is naked. The focus of the photos is on the genitalia area of the male. In one photo, the male appears to be standing in front of a bathroom mirror and is holding what appears to be a hand-held ipod or phone. The male in the photos appears, based on my review of the videotape of Victim-1, to be Victim-1.

10. I have reviewed log-in records from Kik relating to the username "Raptorrr427." These records identify "Raptorrr427" as "Bobby Sixx" and indicate an email of "Raptorrr427@yahoo.com." The records reveal that, on November 30, 2014, between approximately 8:44 a.m. and 10:18 a.m. Eastern Standard Time, "Raptorrr427" logged into Kik from IP address "69.112.224.203."

11. I have obtained records from Cablevision which reveal that the account holder for IP address "69.112.224.203" on November 30, 2014, between approximately 8:44 a.m. and 10:15 a.m. Eastern Standard Time, was "Lorraine Garneau" at 7 Distillery Road in Warwick, New York.

12. I have reviewed records from the New York Department of Motor Vehicles concerning a "Robert J. Garneau" with a date of birth of September 27, 1994. These records indicate that "Robert J. Garneau" has a New York Driver's license that lists a residence of 7 Distillery Road, Warwick, New York and include a photograph of "Robert J. Garneau" (the "Garneau Photograph").

13. In or about January 2012, I went to 7 Distillery Road in Warwick, New York in connection with an investigation concerning online activity with minors. I spoke to a "Robert Garneau," a "Lorraine Garneau, and their son, ROBERT J. GARNEAU, the defendant, who was then approximately 17 years-old. At that time, GARNEAU told me that he went by the name "Bobby" and that his email address was "Raptorrr427@yahoo.com." GARNEAU admitted that he spoke sexually to kids his own age and a bit younger than his age using social media and gaming sites.

14. On or about March 3, 2016, a Special Agent with HSI ("Agent-1") interviewed ROBERT J. GARNEAU, the defendant, at his college dormitory in Brookville, New York. Prior to interviewing GARNEAU, Agent-1 viewed the Garneau Photograph. According to Agent-1, the person he interviewed on March 3, 2016 was the same person pictured in the Garneau Photograph. Based

on my conversations with Agent-1 as well as my review of Agent-1's report concerning the interview, I am aware of the following:

- a. GARNEAU identified 7 Distillery Road in Warwick, New York as his address when he is not living in his college dormitory.
- b. GARNEAU identified his current email address was "raptor427@yahoo.com."
- c. GARNEAU stated that, when was in high school, he received naked pictures from a boy he believed to be 14-years-old through the Minecraft server.
- d. GARNEAU identified a photograph of a blond female as a photograph of "Allison Denario." GARNEAU stated that he made up the name "Allison Denario" and that he found the image he used for "Allison Denario" on Instagram. GARNEAU stated that he has sent the image of "Allison Denario" to approximately 20 people, both boys and girls, and that he has done so in order "to mess around with people." GARNEAU stated that he used the photo of "Allison Denario" in order to get kids to masturbate or send nude photos to him.
- e. GARNEAU stated that, in or about January/February 2016, he sent the photo of "Allison Denario" to a 13-year-old boy he met through playing "Arma3" on-line. GARNEAU stated that the boy sent GARNEAU naked pictures, including pictures of the boy's genitals.
- f. Agent-1 showed GARNEAU a photograph of Victim-1. GARNEAU stated that he had engaged in online communications with Victim-1. GARNEAU stated, among other things, that, while pretending to be "Allison Denario," he asked Victim-1 for nude photos. GARNEAU stated that he later "became himself," identifying himself as "Bobby" to Victim-1, and told Victim-1 that his dad worked for the FBI in order to scare Victim-1. GARNEAU stated that, to the extent he communicated with Victim-1 on the weekend, he communicated from his address in Warwick, New York.

15. On March 3, 2016, ROBERT J. GARNEAU, the defendant, provided Agent-1 with an iPad, two iPhones, a homemade computer

tower, and a Sony Vaio laptop computer and gave consent for the search of these items.

16. An HSI Special Agent ("Agent-2"), specially trained in forensic examination of computer evidence, is in the process of conducting a forensic analysis of the iPad, the two cellphones, the computer tower and the Sony Vaio laptop computer.

17. I have reviewed a report ("Report-1") generated by Agent-2 that details communications that occurred on one of the iPhones between a "Giannafitz81_rib@talk.kik.com" and someone using another Kik address ("Victim-2"). The communications occurred on kik.com. On or about August 10, 2015, "Giannafitz81" texted "Hey" to Victim-2. Immediately after texting "Hey," "Giannafitz81" texted Victim-2 asking, "Wanna do nudes?" A few hours later, Victim-2 responded, "Yes I do." Thereafter, "Giannafitz81" told Victim-2 to "send a full body nude." Report-1 reveals that Victim-2 transmitted two photographs to "Giannafitz81" -- a close-up photograph of the tip of a penis and a photograph of what appears to be a nude pre-pubescent male with an erection. In addition, Report-1 reveals that, thereafter, "Giannafitz81" requested "take a video of you jerking then because idk if that's new." Victim-2 then transmitted a video depicting a naked prepubescent boy masturbating. Later that same day, "Giannafitz81" requested more videos from Victim-2, asking specifically for full body videos with "moaning." When Victim-2 refused, "Giannafitz81" told Victim-2 "I'm showing my dad and you'll get in trouble." Victim-2 said, "Leave me alone." "Giannafitz81" said, "Then I'm reporting you and you'll go to jail. That's what you want? Ok, I'm showing." "Giannafitz81" told Victim-2, "I'm also showing all your Instagram followers." Victim-2 begged "Giannafitz81" not to saying, "Plz no." "Giannafitz81" said, "I have all of your followers." Victim-2 said, "No F off b word." "Gianna81" told Victim-2 that "Giannafitz81" would show the videos and report him unless he "sen[t] more videos." Victim-2 responded, "Why I'm killing myself." "Giannafitz81" said, "I won't show if you do more videos." Victim-2 said, "Goodbye I'm blaming you."

18. I have reviewed a report ("Report-2") generated by Agent-2 that details communications that occurred on one of the iPhones between a "Giannafitz81_rib@talk.kik.com" and someone using another Kik address ("Victim-3"). The communications occurred on kik.com. On or about July 18, 2015, "giannafitz81" texted Victim-3. "Giannafitz81" asked Victim-3, "Want to trade nudes?" Victim-3 responded, "Yeh sure." "Giannafitz81" texted, "Ok start" to Victim-3. "Giannafitz81" instructed Victim-3 to

send "live only." "Giannafitz81" instructed Victim-3 to take a photo while holding the camera by Victim-3's knee when he was lying down. "Giannafitz81" told Victim-3, "Lay down and take a pic of your cock and face in one pic." Report-2 reveals that Victim-3 transmitted several photographs and a video to "Giannafitz81." I have reviewed these photographs and the video. One photograph depicts a naked pubescent male with what appears to be an erect penis. In this photograph, the male is standing up and appears to be taking the photograph himself with a handheld cellphone. Another photograph depicts the same naked male lying down on a rug with an erect penis. The video depicts the chest and lower-body of a male who is masturbating. Later that same day, "Giannafitz81" told Victim-3, "I'm sorry but my brother saw all the pics and videos and is telling my dad." Victim-3 said, "Don't tell them who I am." "Giannafitz81" said, "I didn't buy [sic] my dad will tell the cops to has [sic] arrested I'm so sorry."

19. Agent-2 provided me with images extracted from the two cellphones and the iPad and I have reviewed these images. There appear to be at least 50 images and/or videos that depict prepubescent and pubescent boys with their penises exposed. In a number of the videos, the video is of the boy masturbating.

20. Based on my conversations with Agent-1, I am aware that, between March 21, 2016 and April 13, 2016, ROBERT J. GARNEAU, the defendant, sent a number of text messages to Agent-1 from an email address, "Raptor427@yahoo.com."

21. On or about May 2, 2016, Agent-1 interviewed ROBERT J. GARNEAU, the defendant, in Old Westbury, New York. Based on my conversations with Agent-1, I am aware of the following:

- a. Agent-1 showed GARNEAU a photograph of Victim-2. GARNEAU admitted that he engaged in online communications with Victim-2. GARNEAU stated that he used the name "Gianna" to communicate with Victim-2 and that Victim-2 sent him videos including videos of Victim-2 masturbating. GARNEAU stated that he believed Victim-2 to be approximately 12 to 13 years old and GARNEAU stated that, when GARNEAU communicated with Victim-2, GARNEAU was at his parents' house in Warwick, New York.
- b. Agent-1 showed GARNEAU a photograph of Victim-3. GARNEAU admitted that he had engaged in online communications with Victim-3. GARNEAU stated that he

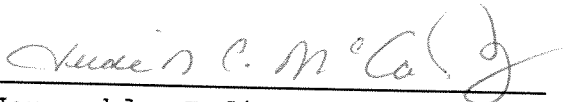
used the name "Gianna" to communicate with Victim-3 and that Victim-3 sent him photographs and videos of Victim-3 masturbating. GARNEAU stated that he believed Victim-3 to be approximately 15 to 16 years old and GARNEAU stated that, when GARNEAU communicated with Victim-3, GARNEAU was at his parents' house in Warwick, New York.

WHEREFORE, deponent prays that the above-named defendant be arrested and imprisoned or bailed as the case may be.



Kelley McManus
Special Agent
Homeland Security Investigations

Sworn to before me this
3rd day of May, 2016



Honorable Judith C. McCarthy
United States Magistrate Judge