

Approved: \_\_\_\_\_  
Maurene Comey  
Assistant United States Attorney

Before: HONORABLE LISA MARGARET SMITH  
United States Magistrate Judge  
Southern District of New York

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: **COMPLAINT**  
UNITED STATES OF AMERICA :  
: Violation of  
- v. - : 18 U.S.C. § 2251(a)  
: MICHAEL BRYANT MARIN, : COUNTY OF OFFENSE:  
: WESTCHESTER  
Defendant. :  
: - - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

STEPHEN TORTORELLA, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

1. In or about March 2016, in the Southern District of New York and elsewhere, MICHAEL BRYANT MARIN, the defendant, 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 for the purpose of transmitting a live visual depiction of such conduct, and the defendant knew and had reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce and in or affecting interstate and foreign commerce and mailed, and such visual depiction was produced and transmitted using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and such visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, MICHAEL BRYANT MARIN, the defendant, persuaded, induced and enticed a 13-year-old girl to engage in sexually explicit conduct, video it, photograph it,

and send it, via an instant message, to the defendant's cellphone.

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

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

2. I am a Special Agent with the FBI and a member of the FBI Westchester County Safe Streets Task Force, and I have been involved in the investigation of the above-described offense. I have been employed as a Special Agent with the FBI for approximately 20 years. I have participated in numerous criminal investigations involving crimes against children including investigations involving child pornography, sexual exploitation, and the enticement of minors across state lines to engage in sexual activity.

3. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, including my review of pertinent documents, and from my conversations with fellow law enforcement officers. 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.

#### Definitions

4. The following terms have the indicated meaning in this Complaint:

a. The terms "minor," "sexually explicit conduct," and "visual depiction," as used herein, are defined as set forth in Title 18, United States Code, Section 2256.

b. The term "child pornography," as used herein, is a visual depiction of a minor involved in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(8).

#### Background

5. Kik Messenger ("Kik") is a free instant messenger application for mobile devices. Kik users can send and receive messages, photos, videos, sketches, mobile webpages, and other

content with each other over the Internet using a smartphone or tablet. Kik users must register for a username, which is unique to each user.

Solicitation of Victim-1 by the "1974 User"

6. Based on my personal involvement in this investigation, my conversations with other law enforcement officers, my review of law enforcement records and reports, and my review of data obtained from a consent search of a cellphone belonging to a 13-year-old female ("Victim-1"), I have learned the following, in sum and substance:

a. Victim-1 is a 13-year-old female residing in New Mexico. In or about March 2016, Victim-1 posted an advertisement on Kik seeking a boyfriend.

b. On or about March 11, 2016, a Kik user with the phone number 914-920-1974 (the "1974 User") contacted Victim-1 on Kik.<sup>1</sup> Immediately upon the initiation of contact with the 1974 User, Victim-1 identified herself as being 13 years old. In response, the 1974 User claimed to be 15 years old.

c. On or about March 14, 2016, the 1974 User provided Victim-1 with his cellphone number so that Victim-1 could continue contacting the 1974 User from Victim-1's school. Specifically, the 1974 User provided the phone number 914-920-1974.

d. Subsequently, the 1974 User exchanged a number of text messages with Victim-1 containing sexually graphic language, including messages in which the 1974 User directed Victim-1 to record herself engaging in sexually explicit conduct and send those recordings to the 1974 User. For example:

i. On or about March 14, 2016, the 1974 User and Victim-1 exchanged the following text messages:

1974 User: Ok got to the bathroom  
Victim-1: I'm in here  
1974 User: Boobs with face  
1974 User: Pussy and finger it  
Victim-1: Honey I don't have that much time  
1974 User: Plzz baby  
Victim-1: Here I'll get more after school  
1974 User: Take your boobs out baby

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<sup>1</sup> Law enforcement was unable to recover data indicating the Kik username associated with the 1974 User's account.

1974 User: Sexy baby  
1974 User: Can I see your pussy  
Victim-1: No leaving bathroom now  
1974 User: Baby I wanna see kiss your friend  
Victim-1: No she said not now  
1974 User: Then when baby  
Victim-1: When I get home

ii. Also on or about March 14, 2016, the 1974 User and Victim-1 exchanged the following text messages:

1974 User: Ok baby I just want u anyway  
Victim-1: Well I'm glad I can fulfill  
Victim-1: Ur needs  
1974 User: But u still have to touch the horse  
Dick  
Victim-1: Can I just touch the cats  
1974 User: Are they guys  
Victim-1: Yea mine is  
1974 User: Ok will it scratch u  
Victim-1: No I've done it before  
1974 User: Really baby when  
Victim-1: When I saw it  
1974 User: Really baby  
Victim-1: Yea it's so small and cute  
1974 User: Can u suck it  
Victim-1: No it's all furry  
1974 User: Come on baby  
Victim-1: No then he will scratch my face  
1974 User: Fine then give him a little hand job  
1974 User: More like a fiver job  
1974 User: Finger\*

e. Following these text messages, Victim-1 sent photographs and videos containing child pornography to the 1974 User over Kik, which were subsequently recovered by law enforcement through a consent search of Victim-1's cellphone. In particular, certain of these photographs and videos depicted Victim-1 engaging in the sexually explicit conduct that the 1974 User requested in the above-described text messages. For example:

i. On or about March 15, 2016, Victim-1 sent the 1974 User a photograph with in which Victim-1 is depicted spreading her vagina with her fingers.

ii. On or about March 15, 2016, Victim-1 sent the 1974 User a video in which Victim-1 strokes the genitals of a cat.

iii. On or about March 15, 2016, Victim-1 sent the 1974 User a video in which Victim-1 displays her breasts and vagina.

Solicitation of Victim-1 by "mike\_\_2016"

7. Based on my personal involvement in this investigation, my conversations with other law enforcement officers, my review of law enforcement records and reports, and my review of data obtained from a consent search of Victim-1's cellphone, I have learned the following, in sum and substance:

a. On or about March 11, 2016, a Kik user with the username "mike\_\_2016" contacted Victim-1 on Kik. Immediately upon the initiation of contact with mike\_\_2016, Victim-1 identified herself as being 13 years old. In response, the mike\_\_2016 claimed to be 15 years old.

b. Following this initial contact, Victim-1 sent a nude photograph of herself to mike\_\_2016. In response, mike\_\_2016 asked Victim-1 to send him more nude photographs and offered to pay Victim-1 for additional images. For example:

i. On or about March 12, 2016, mike\_\_2016 and Victim-1 exchanged the following Kik instant messages:

mike\_\_2016: What will u do for \$200  
Victim-1: Idk more than I do for 150 and I'll do absolutely anything for 300  
mike\_\_2016: Ok how about I will pay \$500 but it was to be for 6 hours  
Victim-1: I'm not free for 6 hours  
Victim-1: I'll fall asleep  
mike\_\_2016: 4  
Victim-1: I'll fall asleep after two hours  
mike\_\_2016: so 2 hours 300 and u do anything deal  
Victim-1: Yes deal

ii. Also on March 12, 2016, mike\_\_2016 sent Victim-1 the following Kik message: "U are my Slave till Sunday and I will delete everything and never talk to u again or I will just post in Facebook twitters and Instagram."

iii. On or about March 13, 2016, mike\_\_2016 and Victim-1 exchanged the following Kik instant messages:

mike\_\_\_2016: Send me a full body nude  
mike\_\_\_2016: Then Kik at 9  
Victim-1: K

c. Subsequently, Victim-1 attempted to cease contact with mike\_\_\_2016. In response, mike\_\_\_2016 threatened to post the nude videos and photos of Victim-1 if she refused to keep sending additional nude photos and videos to mike\_\_\_2016. For example:

i. On or about March 14, 2016, mike\_\_\_2016 and Victim-1 exchanged the following Kik instant messages:

mike\_\_\_2016: Your my Slave the whole week  
Victim-1: Ok  
Victim-1: What if I can't do Thursday and Frixw  
Victim-1: What if I can't do Thursday and Friday  
mike\_\_\_2016: Then I will post

ii. Later on or about March 14, 2016, mike\_\_\_2016 and Victim-1 exchanged the following Kik instant messages:

mike\_\_\_2016: Time starts  
mike\_\_\_2016: Ok get naked  
Victim-1: I can't yet my dad is right in the room next to me  
Victim-1: he is going to bed now  
mike\_\_\_2016: Ok tell when he is sleep then we start  
mike\_\_\_2016: No time has started  
mike\_\_\_2016: Then get naked  
Victim-1: K  
mike\_\_\_2016: U naked  
Victim-1: Almost  
Victim-1: What will u post  
mike\_\_\_2016: Everything  
Victim-1: Why  
mike\_\_\_2016: Ok I'm posting bye  
Victim-1: No  
Victim-1: Please just hear me out  
mike\_\_\_2016: Bye  
Victim-1: No please don't post  
mike\_\_\_2016: To bad  
Victim-1: What's ur problem  
mike\_\_\_2016: Are u going to be my slave  
Victim-1: Tell me what u get out of this  
mike\_\_\_2016: Ok guess your not my slave  
Victim-1: Just please don't post

mike\_\_\_2016: Slave  
mike\_\_\_2016: Yes  
mike\_\_\_2016: No  
Victim-1: Please you will ruin my life if you post  
mike\_\_\_2016: Ok the. Just be my slave and nothing will happen  
Victim-1: But I can't continue the whole week I have testing  
Victim-1: What if we do tonight only and no charge  
mike\_\_\_2016: Fine I will be nice only one hour ever night  
Victim-1: No tonight only for no charge and for 3 hours  
mike\_\_\_2016: Ok posting  
mike\_\_\_2016: One Click away  
Victim-1: No  
Victim-1: Don't  
mike\_\_\_2016: Slave every day  
mike\_\_\_2016: One hour every night  
mike\_\_\_2016: No 2 hours or I click rn  
Victim-1: Ok  
mike\_\_\_2016: Let me see naked  
Victim-1: Please don't ruin my life

d. Following this exchange, Victim-1 sent videos and images in which she shows her genitalia and engages in sexually explicit conduct at the direction of mike\_\_\_2016. For example:

iii. On or about March 16, 2016, mike\_\_\_2016 and Victim-1 exchanged the following Kik instant messages:

Victim-1: Can I just be your slave tonight and next Monday night and you leave me alone after?  
Victim-1: Maybe not Monday night, because I'll be busy how about Tuesday night?  
Victim-1: Or like every Wednesday night for a month?  
mike\_\_\_2016: Why  
Victim-1: Because I'm out of town a lot this month and next  
mike\_\_\_2016: OK so I'll just post bye  
Victim-1: No please  
mike\_\_\_2016: Let me see right now  
Victim-1: I'm busy  
mike\_\_\_2016: Ok posting bye  
Victim-1: No fine

Victim-1: See what  
mike\_\_\_2016: U naked  
Victim-1: K wait like 10 minutes  
mike\_\_\_2016: No Now  
Victim-1: Ok

iv. Immediately following this exchange, Victim-1 sent mike\_\_\_2016 a photograph in which Victim-1 exposes her breasts and vagina.

v. Also on or about March 16, 2016, mike\_\_\_2016 instructed Victim-1 to engage in bestiality with a cat. For example:

mike\_\_\_2016: Make his dick hard  
Victim-1: Idk what the difference is on him  
mike\_\_\_2016: Sit on his face  
Victim-1: Ok  
Victim-1: Can I just put his face in my pussy  
mike\_\_\_2016: No sit on him  
Victim-1: Can tomorrow be just me and u no cat  
mike\_\_\_2016: Maybe  
Victim-1: Yay

vi. Immediately following this exchange, Victim-1 sent mike\_\_\_2016 a photograph in which Victim-1 places her vagina on the mouth of a cat.

e. Ultimately Victim-1 sent mike\_\_\_2016 approximately 161 images and videos in which she shows her genitalia and engages in sexually explicit acts. Additionally, mike\_\_\_2016 sent Victim-1 multiple images depicting a male's penis and videos of male masturbation.

f. On or about March 16, 2016, Victim-1's parents learned of Victim-1's interactions with the 1974 User, mike\_\_\_2016, and other Kik users and contacted the Santa Fe County Sherriff's Office. Victim-1 and Victim-1's mother both provided consent for law enforcement to search Victim-1's phone. As a result of that consent search, law enforcement was able to extract numerous Kik messages, photographs, videos, and text messages between Victim-1 and the 1974 User as well as those between Victim-1 and mike\_\_\_2016, including those described above. Local law enforcement subsequently provided these consent search results to the FBI.

#### Identification of MICHAEL BRYAN MARIN

8. Based on my conversations with other law enforcement

officers, my review of law enforcement records and reports, and my review of T-Mobile subscriber information, I have learned that service for the phone number provided by the 1974 User is provided by T-Mobile. I have further learned that the address associated with that number's T-Mobile account is 46 Eldridge Street, Floor 1, Port Chester, New York 10573.

9. Based on my conversations with other law enforcement officers, my review of law enforcement records and reports, my review of Kik subscriber information, and my review of IP logs, I have learned that when the account mike\_\_\_2016 was created, the user identified his first name as "Michael" and his Birthdate as October 27, 1997. Additionally, I have learned that the IP Address consistently used to connect to Kik Messenger by mike\_\_\_2016 during the timeframe of the communications between mike\_\_\_2016 and Victim-1 is 69.113.97.98. That IP address is registered to Optimum Online and is associated with an account at street address 48 Eldridge Street, Floor 2, Port Chester, New York 10573.

10. On or about June 23, 2016, the Honorable Paul E. Davison signed a Search Warrant for 46 Eldridge Street, Floor 1, Port Chester, New York 10573.

11. On or about June 28, 2016, I executed the Search Warrant at 46 Eldridge Street, Floor 1, Port Chester, New York 10573, which I subsequently learned is located in the same building as 48 Eldridge Street. Upon my arrival, an adult male ("Witness-1") identified himself as the account holder for the T-Mobile account associated with the 1974 User. Witness-1 indicated the account has four phone numbers associated with it and that the 1974 number is used by Witness-1's nephew, MICHAEL BRYANT MARIN, the defendant. Witness-1 further indicated that MARIN resides in the second floor of the house. Witness-1's wife ("Witness-2") was also present during this conversation.

12. Subsequently, I entered the second floor of 46-48 Eldridge Street with Witness-2, where Witness-2 identified MICHAEL BRYANT MARIN, the defendant. In response to questioning at 46-48 Eldridge Street, MARIN identified 914-920-1974 as his cellphone number. MARIN further stated that he had used multiple Kik accounts on his cellphone, including an account with the username mike\_\_\_2016. Additionally, MARIN stated that his date of birth is October 27, 1997. MARIN clarified that 46 Eldridge Street, Port Chester, New York 10573 and 48 Eldridge Street, Port Chester, New York 10573 are the same house and share a single mailbox.

WHEREFORE, the deponent respectfully requests that MICHAEL BRYANT MARIN, the defendant, be arrested and imprisoned or bailed, as the case may be.

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STEPHEN TORTORELLA  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
\_\_\_ day of June 2016

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HONORABLE LISA MARGARET SMITH  
United States Magistrate Judge  
Southern District of New York