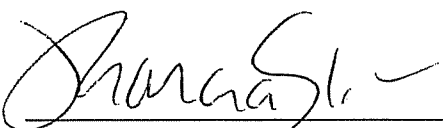


Approved:


Marcia S. Cohen
Assistant United States Attorney

COPY

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

Ue mag 4595

SEALED COMPLAINT

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UNITED STATES OF AMERICA	:	Violation of
	:	18 U.S.C.
-v.-	:	& 2251(a)
MARCUS STROUD	:	COUNTY OF OFFENSE:
	:	ROCKLAND COUNTY
Defendant	:	

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SOUTHERN DISTRICT OF NEW YORK, ss.:

STEPHEN R. 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. Between in or about December 2015 up to and including on or about February 20, 2016, in the Southern District of New York and elsewhere, MARCUS STROUD, 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, MARCUS STROUD, the defendant, persuaded a minor ("Victim-1") to meet him in Rockland County, New York and engage in sexually

explicit conduct with STROUD while STROUD videotaped the conduct.

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

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

2. I am a Special Agent with the FBI. I have been a Special Agent with the FBI for over twenty years. For the last approximately twelve years, I have been assigned to the FBI Westchester County Safe Streets Task Force, which primarily investigates violent crimes, including crimes against children. 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 investigations.

3. 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.

4. In or about late May 2016, I spoke with a detective ("Detective-1") with the Clarkstown Police Department ("CPD") in Rockland County, New York. Detective-1 told me that, on or about February 22, 2016, a victim under the age of 14 ("Victim-1") made a complaint to CPD alleging that he had been sexually abused. Detective-1, who was one of the detectives who participated in interviews of Victim-1, provided me with a report prepared by CPD concerning the information provided by Victim-1. Based on my review of that report, and my conversations with Detective-1, I am aware that Victim-1 told CPD the following:

a. In or about late December 2015, Victim-1 met MARCUS STROUD, the defendant, at a youth wrestling tournament in

Rockland County, New York. STROUD asked for Victim-1's cell phone number, and Victim-1 provided it to him.

b. Thereafter, Victim-1 and STROUD became "friends" on SnapChat and Instagram. At some point thereafter, Victim-1 received a request on SnapChat from a SnapChat user ("Pug") with the account name "thechsenpug." Pug sent Victim-1 approximately ten nude photos of a female and requested that Victim-1 send Pug nude photos in return. Victim-1 sent Pug several nude photos and several videos of Victim-1 stroking his penis.

c. Pug told Victim-1 that Pug would release Victim-1's pictures on social media unless Victim-1 videotaped himself performing "oral sex on a black guy." Victim-1 refused to do it and blocked Pug on SnapChat. Thereafter, another SnapChat user ("Princess") with the user name "sweedprincess" contacted Victim-1. Princess claimed to be a friend of Pug.

d. In early January 2016, STROUD contacted Victim-1 via SnapChat and told Victim-1 that STROUD had come across naked pictures of Victim-1 on Instagram but the pictures had since been deleted. STROUD told Victim-1 that he was good at computers and could help Victim-1. Victim-1 told STROUD about his sending of photos to Pug. STROUD told Victim-1 that he would reach out to Pug and would also put an "alert" on the pictures so that STROUD would be notified when the pictures were uploaded to the Internet. STROUD told Victim-1 that STROUD would be willing to perform the sexual act with Victim-1 to prevent the photos from being released. Victim-1 told STROUD that he did not want to perform the sexual act.

e. On or about February 14, 2016, Victim-1 saw STROUD at a youth wrestling tournament in Rockland County, New York. STROUD asked Victim-1 when and where they would engage in the sexual act. Victim-1 repeated that he did not want to engage in a sexual act with STROUD. STROUD told Victim-1 that, if he wouldn't do the sexual act, STROUD did not care if Victim-1 was exposed.

f. On or about February 20, 2016, STROUD sent a text message via SnapChat to Victim-1. STROUD told Victim-1 that he had been notified that nude photos of Victim-1 had been posted on an online web page. STROUD told Victim-1 that he had been able to delete the photos. STROUD told Victim-1 that he was also notified that the photos had been sent to two different phone numbers. STROUD asked Victim-1 when they would do the sexual act and told Victim-1 that they should just do it and get

it over with. Victim-1 agreed to meet STROUD near Victim-1's house in Rockland County, New York.

g. Approximately one hour later, STROUD met with Victim-1 at the designated location. Victim-1 and STROUD engaged in sexual activity. STROUD used his Apple iPhone 5c to videotape the sexual activity.

h. Later that day, STROUD communicated with Victim-1 via SnapChat texts. STROUD told Victim-1 that he would send the video to the female who had contacted him and that he would put a virus on the video so that, when she opened the video, STROUD could take control of her phone and delete Victim-1's photos. STROUD then told Victim-1 that the video had been opened and STROUD had control over her phone. STROUD told Victim-1 that he would not delete the pictures.

i. On or about February 21, 2016, Victim-1 received a SnapChat text from Princess. Princess said that she liked the video a lot and wanted to know if Victim-1 would make another.

5. I have reviewed log-in records from SnapChat relating to the SnapChat account "sweedprincess." These records indicate that, between February 9, 2016 and February 22, 2016, "sweedprincess" logged into SnapChat from IP address "68.196.163.43" and "68.196.165.105."

6. I have reviewed records from Cablevision. These records indicate that, on February 10, 2016, a "Chris Stroud" with an address in Rockland County, New York was the subscriber of IP Address 68.196.163.43. On February 22, 2016, a "Chris Stroud" with the same address in Rockland County, New York was the subscriber of IP Address 68.196.165.105.

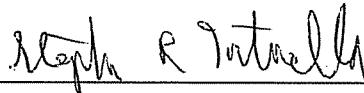
7. I am aware that, on or about February 22, 2016, CPD interviewed MARCUS STROUD, the defendant. Following the interview, CPD arrested STROUD. The interview was videotaped and I have reviewed the recording. During the interview, among other things, STROUD stated that he was a volunteer wrestling coach and that he knew Victim-1 through wrestling. STROUD said that he spoke to Victim-1 on SnapChat and Victim-1 asked STROUD for help. STROUD indicated that he engaged in "computer hacking" on Victim-1's behalf. STROUD stated that the help required "sending a file" and that he met with Victim-1 at an address in Rockland County, New York, where they "created the file," and then STROUD uploaded a virus into the file and then sent the file. STROUD stated that he never forced Victim-1 to do

anything. Among other things, STROUD said, in substance and in part, that he and Victim-1 went into the woods on February 20, 2016, where he engaged in oral sex with Victim-1 and recorded the activity on his phone. STROUD said that he told Victim-1 that they would make the video and then STROUD would put a virus on the video. STROUD said that, when Victim-1 told him that Victim-1 needed help, STROUD told Victim-1 that he was willing to engage in sexual activity with Victim-1.

8. I am aware that CPD removed STROUD's cellphone ("Cell-1") from him on February 22, 2016 and obtained a search warrant for it. Based on my discussions with Detective-1, I am aware that CPD performed a forensic review of Cell-1. Detective-1 provided me with a disk containing the data CPD extracted from STROUD's phone. I have reviewed some of that data. The data includes a video ("Video") just under seven minutes in duration. The video depicts two males engaging in oral sex. Based on my conversations with Detective-1, who met with Victim-1 and STROUD during this investigation, I am aware that Detective-1 has identified Victim-1 and STROUD as the two males in the Video.

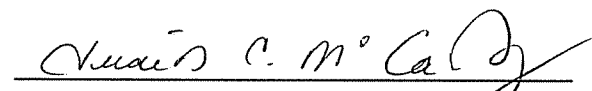
9. On or about July 14, 2016, I spoke with an employee of Apple, who advised me that Apple iPhone 5Cs are manufactured in China.

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



Stephen Tortorella
Special Agent
Federal Bureau of Investigation

Sworn to before me this
18th day of July, 2016



Honorable Judith C. McCarthy
United States Magistrate Judge