

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:
UNITED STATES OF AMERICA	: <u>SEALED COMPLAINT</u>
	:
	: Violation of 18 U.S.C. § 2251(a)
-v-	:
	: COUNTY OF OFFENSE:
CHARUDET SMITH,	: Westchester
a/k/a "Charles Smith,	:
	:                                   24mj551
	:
Defendant.	X

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SOUTHERN DISTRICT OF NEW YORK, ss.:

ANDREW M. PAPPAS, 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  
(Sexual Exploitation of a Child)

From at least on or about December 21, 2019 up to and including at least on or about February 13, 2020, in the Southern District of New York and elsewhere, CHARUDET SMITH, a/k/a "Charles Smith," 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 any means and facility of interstate and foreign commerce and in or affecting interstate and foreign commerce and mailed, and the visual depiction was produced 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 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, SMITH, while in Westchester County, New York, used trickery and deceit to persuade a 17-year-old minor in California ("Victim-1") to engage in sexually explicit activity and transmit to SMITH, via the internet, videos and photos of such activity.

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

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

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), assigned to the FBI Bridgeport Safe Streets Task Force (BSSTF) in Connecticut. I have been employed by the FBI since March 2019. I have participated in numerous investigations, including investigations involving violent crimes, narcotics, frauds, firearms, and crimes against children. I have gained expertise in these areas through training and daily work related to conducting and participating in these types of investigations.

2. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement agents 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.

3. On or about February 10, 2020, I spoke with an individual (“Victim-1”), who was 17-years-old at the time, who advised me, among other things, that he had engaged in communications and in-person meetings with CHARUDET SMITH, a/k/a “Charles Smith,” the defendant. Victim-1 reported, in substance and in part:

a. In or about December 2019, Victim-1 was an avid amateur photographer who was living with his parents in San Diego, California. In connection with his desire to pursue a career in photography, he maintained a website and Instagram account showcasing his photography. On or about December 21, 2019, an Instagram account, purporting to belong to someone who was an employee of a well-known international camera company (“Company-1”), initiated contact with Victim-1 and offered Victim-1 the opportunity to do freelance work for Company-1 with a purported freelance photographer. The purported freelance photographer’s Instagram address was “@charudetsmith.”

b. Victim-1 exchanged messages with @charudetsmith via Instagram and also by text messages. For the text messages, Victim-1 contacted @charudetsmith using the phone number @charudetsmith provided him, xxx-xxx-8496 (“8496-Phone”). The 8496-Phone told Victim-1 that he had numerous contacts within the media industry. The individual, later identified as CHARUDET SMITH, a/k/a “Charles Smith,” offered to provide Victim-1 with such contacts. Among other things, SMITH told Victim-1 that he was an alumnus of a Junior Ambassador Program that he claimed Company-1 maintained in order to pair aspiring teenage photographers with established photographers in a mentor/mentee relationship.

c. After his communications with SMITH began, Victim-1 received additional messages via email, text and Instagram from multiple individuals who purported to be Company-1 representatives who invited him to apply for the Junior Ambassador (“JA”) Program. Victim-1 completed the required steps and was welcomed into the JA Program and paired with SMITH, the defendant, as his purported mentor. Soon after being accepted into the

JA Program, Victim-1 was invited to contact a young woman who, according to the representatives, was another JA. Victim-1 contacted her at the Instagram account that was provided by the representatives and spoke to someone he believed to be a female JA.

d. In or about January 2020, Victim-1 received messages via text and Instagram from various individuals -- an individual who purported to be a Company-1 representative, an individual who purported to be a director at an outdoors magazine, an individual who purported to be an employee of an apparel company, and an individual who purported to work for an airline ("Airline-1"). The purported employee of Airline-1 communicated with Victim-1 via Instagram and arranged for Victim-1 to accompany SMITH to a January 18, 2020 photography shoot in Jackson Hole, Wyoming on January 18, 2020.

e. On or about January 18, 2020, Victim-1 flew to Jackson Hole, Wyoming with the airline ticket provided by the purported Airline-1 employee and, once in Wyoming, met CHARUDET SMITH, a/k/a "Charles Smith," the defendant, in person. While in Wyoming, Victim-1 and SMITH stayed in the same hotel room in different beds. During the trip, purportedly at the request of the "sponsor," SMITH directed Victim-1 to pose for photographs wearing only underwear. Also while in Jackson Hole, Wyoming, SMITH told Victim-1 that his purported girlfriend was a sex therapist and provided Victim-1 with her phone number, xxx xxx-8334 ("8334-Number").

f. While in Wyoming, SMITH gave Victim-1 the Instagram contact information, "katiemsoto," for someone he said was a female JA and told Victim-1 that he wanted Victim-1 to go on a "date night" with her. Via Instagram, the purported female JA sent a nude photo of herself to Victim-1. Later, during the trip, Victim-1 saw the same nude photo on SMITH's phone on an Internet browser page.

g. While Victim-1 was in Wyoming, a purported Company-1 representative contacted Victim-1 and told him that he had to be "initiated" into the JA Program via a ritual involving alcohol consumption. The purported representative told Victim-1 to take 10-20 photos and do a "clean" (*i.e.* sober) edit and then do a "dirty" edit while intoxicated. The purported representative advised Victim-1 that he would be judged on the quality of the edits and his membership in the JA Program would depend on their quality. SMITH provided Victim-1 with alcohol. After drinking multiple shots of liquor, Victim-1 did the "dirty" edit while intoxicated. After submitting the "dirty" edit, a purported Company-1 employee then sent a message to Victim-1 informing Victim-1 that his edits were inadequate and that Victim-1 would be asked to leave the JA program.

h. SMITH volunteered to help Victim-1 remain in the JA Program and said he would garner the support of an alleged movie director friend. Another purported Company-1 representative contacted Victim-1 and told him that he would have another opportunity to redo the "dirty" (*i.e.*, intoxicated) photo shoot. SMITH told Victim-1 he could ensure that Victim-1 would remain in the JA Program if Victim-1 took nude photos of himself and sent them to the purported female JA who had previously sent Victim-1 the nude photo. Again, SMITH provided alcohol to Victim-1. Then, during a second "dirty" edit, Victim-1 took images of his naked

genitalia. At SMITH's insistence, Victim-1 sent the images via Instagram to the purported female JA.

i. While in Wyoming, Victim-1 told SMITH that he (Victim-1) was 17 years old and would not be 18 until his birthdate in spring of 2020.

j. After the Wyoming trip, Victim-1 remained in contact with the purported female JA. Between on or about January 28, 2020 and February 8, 2020, at her request, Victim-1 sent the purported female JA additional nude photos of himself via Instagram. During their communications, the purported female broached with Victim-1 the idea of having a "threesome" with SMITH.

k. After the Wyoming trip, SMITH also introduced Victim-1 to an individual who was a purported Seattle model and blogger ("Model-1") who was, purportedly, setting up a photo shoot for SMITH and Victim-1 in Seattle, Washington. Model-1 told Victim-1 that she was interested in engaging in sexual activity with SMITH and Victim-1 as part of a "threesome" and also potentially as a "foursome" involving an additional purported female friend. Victim-1 received nude photographs from Model-1 that purported to be Model-1 and her friend. During his communications with Model-1, Model-1 told Victim-1 that she would engage in sexual acts only if SMITH and Victim-1 also engaged in sexual acts. Initially, Victim-1 told Model-1 that he would not participate. When Model-1 said she would cancel her participation in the upcoming Seattle photo shoot, Victim-1 agreed to participate. The Seattle trip was scheduled to begin on February 13, 2020. Victim-1 agreed to participate in sexual activity scheduled for February 17, 2020. He also agreed to participate in sexual activity with SMITH on February 13, 2020 to "practice" for the February 17, 2020 sexual activity.

l. After Victim-1 agreed to participate, Victim-1 received communications from SMITH's purported sex therapist girlfriend ("Girlfriend-1"), who used the 8344-Number that SMITH had provided to Victim-1. Girlfriend-1 instructed Victim-1 to "practice" the sexual activity with SMITH before engaging in the threesome, in order to become comfortable. Girlfriend-1 sent messages to Victim-1 with explicit and graphic instructions as to how Victim-1 should engage in oral and anal sex with SMITH during the practice session set for the evening of February 13, 2020 in Seattle. Girlfriend-1 asked Victim-1 to make and send her videos of Victim-1 masturbating. Victim-1 made and sent these videos to Girlfriend-1 via both email and text message on January 28, 2020. Victim-1 spoke to SMITH about the intended "foursome" and, among other things, asked SMITH if Model-1 and her friend knew that he was only 17 years old. SMITH responded that they did.

4. On or about February 10, 2020, Victim-1 and his family provided consent for the review of Victim-1's phone. On or about February 14, 2020, an examiner employed by the FBI who is specially trained in the forensic examination of digital evidence extracted material from Victim-1's phone. I have reviewed the material extracted and am aware that, among other things, Victim-1's phone contained the following, in substance and in part:

a. The contacts in Victim-1's phone included a contact for an individual ("Individual-1") identified as "Head [Company-1] Ambassador." The contact lists Individual-1's phone number as xxx xxx-2389 ("2389-Number"). Victim-1's phone contains text messages

between the 2389-Number and Victim-1 from in or about January 21, 2020 to on or about February 10, 2020. In a message dated January 21, 2020, the 2389-Number said, “Hi [Victim-1], I’m going to figure out what’s going on. But you want to be with Charles?” In a message on or about February 10, 2020, the 2389-Number said, “In all my years at [Company-1], I don’t think I’ve seen more promise and talent than I see in both of you.”

b. The contact in Victim-1’s phone included a contact for an individual (“Individual-2”) identified as “Marketing Director of [Company-1].” The contact lists Individual-2’s phone number as xxx-xxx-9752 (“9752-Number”). Victim-1’s phone contains text messages between the 9752-Number and Victim-1 from on or about December 23, 2019 to on or about January 30, 2020. On or about December 23, 2019, Individual-2 wrote, “Hi [Victim-1]. This is [Individual-2]. I locked myself out of my Instagram account, so please message me here or through High Tail until I get back in. We will make your plane reservations tomorrow!”

c. The contacts in Victim-1’s phone included a contact for an individual (“Individual-3”) identified as “Apple.” The contact lists Individual-3’s phone as xxx-xxx-2954 (“2954-Number”). Victim-1’s phone contains text messages from the 2954-Number from on or about February 6, 2020 to February 12, 2020. On or about February 6, 2020, the 2954-Number said, “Hey [Victim-1]! We’d love to help you and Charles with your nomadic vlog!” Later that day, the 2954-Number said, “Perfect, just wanted to confirm that you’ll be doing the 2<sup>nd</sup> video next Thursday in Seattle. The requirements are to get drunk and talk photography, edit, and do what you do best.”

d. Victim-1’s phone contained a number of screenshots of Instagram conversations between Victim-1 and a user named “katiemsoto.” In the conversations that appear in the screenshots, “katiemsoto” requested that Victim-1 provide nude pictures to her and Victim-1 sent her photos of an erect male penis. In these communications, “katiemsoto” also suggested a threesome with Victim-1 and CHARUDET SMITH, a/k/a “Charles Smith,” the defendant.

e. Victim-1’s phone contained numerous messages with the purported Model-1, who used a phone number ending in 9308 (“9308 Number”). In addition, Victim-1’s phone contained numerous 3-way text messages between the 8496-Number, Model-1, and Victim-1 from on or about February 5, 2020 through on or about February 9, 2020. In this group text, there is discussion about a sexual encounter between all three individuals. For example, on February 5, 2020, Model-1, using the 9308-Number, said, “Hey guys, after the male-male-threesome I thought that I would fulfill your fantasy with a female-female-male threesome. My friend from Nashville, Tennessee will be in town and wants in! Let me know your thoughts!”

5. On or about February 10, 2020, based on my review of Airline-1 records, I learned that CHARUDET SMITH, a/k/a “Charles Smith,” the defendant, had purchased an airline ticket on Airline-1 to fly from John F. Kennedy Airport in Queens, New York to Seattle, Washington on February 13, 2020 at 7:00 a.m.

6. On February 12, 2020, the Honorable Lois Bloom, in the Eastern District of New York, authorized the search and seizure of SMITH’s phone while he was at John F. Kennedy airport (“JFK”). On February 13, 2020, at approximately 6:00 a.m., I and other law enforcement officers approached CHARUDET SMITH, a/k/a “Charles Smith,” the defendant,

at JFK, and executed the search warrant. We recovered two cellphones from him. SMITH identified one of the phones as his phone (“Phone-1”) and stated that the other phone (“Phone-2”) was his mother’s work phone.

7. On or about February 19, 2020, I dialed the 8334-Number, the number that was supposedly for SMITH’s girlfriend, Girlfriend-1, and Phone-2 rang and displayed my phone number as the incoming call number. I also dialed the 9308-Number, the number that was supposedly for Model-1, the Seattle model and blogger. Again, Phone-2 rang and displayed my number as the incoming call number. After I hung up, a notification with the icon from the application “Text Free” appeared on the screen of Phone-2 showing a missed call from my phone number on the phone screen of Phone-2. I am aware that Text Free is an application that allows multiple phone numbers to receive calls and forward the calls to a single phone number.

8. On or about February 19, 2020, I dialed the 2389-Number and the 2954-Number. Both numbers rang on Phone-2 and displayed my number as the incoming call number. When I dialed the 2389-Number, two notifications appeared on Phone-2. The first notification indicated a missed call from my number. The second notification, which showed an icon from the application “Burner,” stated, “Missed call from [my number] on [first name of Individual-1].” When I dialed the 2954-Number, two notifications, again, appeared on Phone-2. The first notification indicated a missed call from my number. The second notification stated, “Voicemail [my number] on [first and last name of Individual-3].” I am aware that Burner is an application that, like Text Now, allows multiple phone numbers to receive calls and forward calls to a single phone number.

9. On or about February 24, 2020, an examiner employed the FBI who is specially trained in the forensic examination of digital evidence extracted the material on each of the phones. I have reviewed this material. The telephone number for Phone-1 was the 8496-Number. The telephone number for Phone-2 was the 8334-Number.

10. Based on my review of the material extracted from Phone-1, I am aware that Phone-1 contained hundreds of text messages between the 8496-Number and Victim-1 from in or about December 22, 2020 to February 12, 2020. These messages include the following:

a. On 12/22/2019, Victim-1 sent a text to the 8496-Number that said, “I’m a senior in high school so this is very exciting.”

b. There is a series of messages between Victim-1, the 8496-Number, and the 9308-Phone. These messages match the messages recovered from Victim-1’s phone. The messages discuss the coordination of a sexual encounter between Victim-1, the 8496-Number, and the 9308-Phone. For example, on February 5, 2020, the 9308-Phone said, “Here’s our deal. You guys have to promise to do stuff too, otherwise it’s not fair. We have our fantasies too! It’ll be worthwhile... trust us! Let us know your answer now.” In response, Victim-1 wrote, “We are willing to makeout and give blowjobs” and asked, “Would that be enough?” The 9308-Phone replied, “I’m sorry but it wouldn’t. It would have to be all 3. It’s only fair that way. No double standards.”

11. Based on my review of the material extracted from Phone-2, I am aware that Phone-2 contains over 200 text messages exchanged between the 8344-Number, and Victim-1 from on or about January 23, 2020 through and including February 11, 2020. Among these messages are the following:

a. In a message on or about January 23, 2020, at approximately 6:30 p.m., the 8344-Number wrote to Victim-1, "Hey [Victim-1]!!! Tess here! I wanted to tell you that your photography is amazing. I hope you guys are having a lot of fun. Let me know if Charles gets annoying lol."

b. On January 23, 2020, at approximately 7:00 p.m., the 8344-Number told Victim-1, "I can help you if you would like help." The 8344-Number stated, "Promise I won't tell Charles."

c. On January 23, 2020, at approximately 8:12 p.m., the 8344-Number said, "I can definitely help you. But need to know your actual refractory period. Can you ejaculate then wait 15 minutes and try to ejaculate again. If it's more than 15 minutes please let me know."

d. On January 25, 2020 at approximately 7:54 p.m., the 8344-Number wrote, "Also, congratulations!!!! 🍷🍷🍷🍷 On getting accepted into the [Company-1] program!"

e. On January 28, 2020 at approximately 10:15 a.m., the 8344-Number told Victim-1, "I have some time this afternoon to review your case and would love to help you out. Can you provide me with the requested information by the afternoon?"

f. On January 28, 2020, at approximately 11:29 a.m., the 8344-Number told Victim-1, "Also, please provide me with a video of both sessions. (It's not necessary to show your face). It will help me to determine if your receiving enough blood flow, tensing your muscles or withholding your pc muscle, level of relaxation and arousal, etc. It'll be really helpful and beneficial to getting results." At 11:38 a.m., Victim-1 responded, "Got it."

g. On January 28, 2020, at approximately 7:14 p.m., Victim-1 wrote, "The second video had to be cut short because it was too big to send" and "They were in the span of 10 minutes." The 8344-Number responded, at approximately 7:49 p.m., "Will take a look in 5 minutes."

h. On January 30, 2020, at approximately 2:23 a.m., Victim-1 wrote, "Sorry I didn't send you anything today, I got really busy. I'll try to get some stuff tomorrow afternoon." At 9:46 a.m., the 8344-Number responded, "Not a problem. If file size is too large to send via text you can email it to me at tess.louise.martin@gmail.com."

i. On February 4, 2020 at approximately 9:03 p.m., the 8344-Number told Victim-1, "Ok. For the next 2 videos don't look at any photos or porn. Also please video from flaccid to erection. And try not to pause at all or change the rhythm/speed when you're about to ejaculate."

12. Based on my review of the material extracted from Phone-2, I am aware that Phone-2 contains a video file titled “20200128\_152306\_001.mp4” (“File-1”). File-1 is an approximately 34-second video and depicts a male standing in a bathtub. The camera is angled so that only the male’s naked torso is visible. The male’s right hand is on his erect penis and moving up and down. At approximately 30 seconds into the video, the male ejaculates. The 8344-Number received File-1 from Victim-1 on January 28, 2020 at approximately 7:20 p.m. eastern time.

13. Based on my review of the material extracted from Phone-2, I am aware that the user accounts on Phone-2 include the Instagram account, “katiemsoto” and an Instagram account with the name of Individual-2.

14. Based on my review of the material extracted from Phone-2, I am aware that the extracted material includes location data for Phone-2. Based on my training and experience, I am aware that, when a phone is on, it communicates with satellites and the communication generates location data for the phone that is preserved in the phone’s location logs. This location data provides a latitude and longitude for the phone’s location at given times. Based on my review of the location data contained in the material extracted from Phone-2, I am aware that, on January 29, 2020, from approximately 12:42 a.m. to February 1, 2020 at approximately 10:54 a.m., Phone-2 was at a location (“Location-1”) in New Rochelle, New York. From approximately February 4, 2020 at 5:51 p.m. to on or approximately February 7, 2020 at approximately 12:52 p.m., Phone-2 was located at Location-1.

15. In February 2020, I obtained telephone records for the 8496-Number. Based on my review of those records, I am aware that the subscriber of the 8496-Number at that time was an individual who I know, based on this investigation, to be the mother of CHARUDET SMITH, a/k/a “Charles Smith,” the defendant. Further, the records for the 8496-Number indicated an address in New Rochelle, New York (“Address-1”).

16. Based on my review, in or about February 2020, of New York Motor Vehicle Records, I am aware that, at that time, SMITH had a New York driver’s license and Address-1 was the address listed on SMITH’s driver’s license. Based on information I have obtained from publicly available sources, I am aware that Address-1 is located on an approximately two-acre lot and that Location-1 is located within the property of Address-2.

17. On or about February 1, 2024, I obtained subscriber records for the 8433-Number. Based on my review of those records, I am aware that, from approximately August 3, 2019 through August 19, 2021, the subscriber of the 8433-Number was the mother of CHARUDET SMITH, a/k/a “Charles Smith,” the defendant, at Address-1, SMITH’s residence.

18. Based on my review of Instagram records relating to the Instagram account “katiemsoto,” I am aware that this account was created on or about March 6, 2019 and that this account was accessed on numerous occasions from an IP address ending in 216 (“216-IP”) In January and February 2020, the “katiemsoto” account was accessed on approximately 30 occasions from the 216-IP. These occasions include an occasion on February 13, 2020, at approximately 2:58 a.m.. Based on my review of publicly available IP address location data, I am aware that the 216-IP returns to New Rochelle, New York.



19. Based on my review of Instagram records relating to the Instagram account I found on Phone-2 with Individual-2's name, I am aware that this account was created on or about January 31, 2020 and that this account was accessed on numerous occasions from the 216-IP.

20. Based on my conversations with another Special Agent of the FBI ("Agent-1"), I am aware that, on March 2, 2020, Agent-1 interviewed an individual with the same name as Individual-1 ("Witness-1"). Witness-1 stated that he has been a professional photographer employed by Company-1 for the past 35 years. Witness-1 stated that Company-1 does not have a *Junior* Ambassador Program but does have an Ambassador Program. Witness-1 stated that he oversees the Ambassador Program and has never heard of or talked to anyone by the name "Charudet Smith" or "Charles Smith." According to Witness-1, the 2389-Number was never Witness-1's telephone number.

21. Based on my conversations with Agent-1, I am aware that, on February 27, 2020, Agent-1 interviewed the Director of Human Resources and Operations for Company-1 (Witness-2). At Agent-1's request, Witness-2 reviewed Company-1's records. Witness-2 stated that no one by the name "Charudet Smith" or "Charles Smith" had ever been an employee of Company-1 and no one by either of those names had ever been paid by Company-1 for any services or any employment. At Agent-1's request, Witness-2 also consulted with Company-1's Ambassador Program and reviewed the program's records. According to Witness-2, no one by the name "Charudet Smith" or "Charles Smith" had ever been a member of Company-1's Ambassador Program.

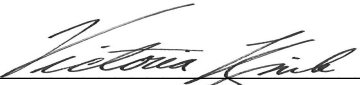
22. Based on my review of Google records, I am aware that the email address, Tess.Louise.Martin@gmail.com was created on January 29, 2020 from the 216-IP. As discussed above, Victim-1 received this email address on January 30, 2020 from the 8344-Number with the instruction that Victim-1 should use this email if the sexually explicit video files requested by the 8344-Number were too large to send via text.

23. Based on all of the above, I believe that CHARUDET SMITH, a/k/a "Charles Smith," the defendant, impersonated various individuals and created and used a series of Instagram accounts, emails, and phone numbers in order to deceive Victim-1 into creating and sending sexually explicit videos and images to SMITH and agreeing to meet SMITH to engage in sexual activity in Seattle, Washington.

WHEREFORE, the deponent respectfully requests that CHARUDET SMITH, a/k/a “Charles Smith,” the defendant, be arrested and imprisoned or bailed, as the case may be.

/s/ Andrew M. Pappas signed by VR with permission  
Andrew M. Pappas  
Special Agent  
Federal Bureau of Investigation

Sworn to me through the transmission of this  
Complaint by reliable electronic means, pursuant to  
Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this  
5<sup>th</sup> day of February, 2024

  
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THE HONORABLE VICTORIA RESNIK  
United States Magistrate Judge  
Southern District of New York