

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

KENNEDY CARTER,

Defendant.

24 mj 801

**SEALED COMPLAINT**

Violations of 18 U.S.C. §§  
2251(a) and (e), 2252A(a)(2)(B) and  
(b)(1), and 2260A.

COUNTY OF OFFENSE:  
PUTNAM

SOUTHERN DISTRICT OF NEW YORK, ss.:

MATTHEW TUNNEY, being duly sworn, deposes and says that he is a Task Force Officer with the Federal Bureau of Investigation (“FBI”), and charges as follows:

**COUNT ONE**

**(Sexual Exploitation of a Child)**

1. From at least on or about May 20, 2023 through at least on or about May 29, 2023, in the Southern District of New York and elsewhere, KENNEDY CARTER, 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, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, and the 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 the visual depiction was actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, KENNEDY CARTER induced a 12-year-old minor in Putnam County, New York (“Victim-1”) to engage in sexually explicit conduct, photograph and video the conduct, and transmit the photographs and videos over the Internet to CARTER in Mexico.

(Title 18, United States Code, Sections 2251(a) and (e).)

**COUNT TWO**

**(Receipt and Distribution of Child Pornography)**

2. From at least on or about May 20, 2023 through on or about May 29, 2023, in the Southern District of New York and elsewhere, KENNEDY CARTER, the defendant, knowingly received and distributed material that contains child pornography using a means and facility of interstate and foreign commerce and that has been mailed and has been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, KENNEDY CARTER distributed multiple images and videos containing sexually explicit images of a minor over the Internet to Victim-1 in Putnam County, New York.

(Title 18, United States Code, Sections 2252A(a)(2)(B) and (b)(1).)

**COUNT THREE**

**(Penalties for Registered Sex Offenders)**

3. From at least on or about May 20, 2023 through at least on or about May 29, 2023, in the Southern District of New York and elsewhere, KENNEDY CARTER, the defendant, being required by Federal and other law to register as a sex offender, committed a felony offense involving a minor under Title 18, United States Code, Section 2251, to wit, the violation of Title 18, United States Code, Section 2251(a) charged in Count One of this Complaint.

(Title 18, United States Code, Section 2260A)

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

4. I am an investigator with the Putnam County Sheriff's Office ("PCSO") and a Task Force Officer with the Federal Bureau of Investigation ("FBI"), currently assigned to the FBI's Resident Agency in Westchester County, New York. I have been a Task Force Officer with the FBI since October 2020. During that time, I have participated in numerous investigations into the production, receipt, possession, and/or distribution of child pornography by electronic means. I have gained expertise in these areas through training and daily work related to conducting these types of investigations. I also have experience executing search warrants, including search warrants for physical premises and electronic evidence, and reviewing the resulting returns.

5. I have been personally involved in the investigation of this matter, and I am familiar with the information contained in this Complaint based on my own personal participation in the investigation, my review of documents, conversations I have had with other law enforcement officers about this matter, my training and experience, and numerous discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Because this Complaint is being submitted for the limited purpose of establishing probable cause to arrest the defendant, I have not included the details of every aspect of the investigation. Where actions, conversations, and statements of others are related herein, they are related in substance and in part, except where otherwise indicated.

Definitions

6. 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).

Conduct Underlying the Offenses

7. Based on my review of a narrative report, as well as the video recording, of an interview of Victim-1 conducted by a Putnam County District Attorney's Office ("PCDA") investigator on or about November 22, 2023, I know that, at all times relevant to this Complaint,

Victim-1 was 12 years old. Based on the same, I also know that at all times relevant to this Complaint, Victim-1 lived and attended school in Putnam County, New York.

8. Based on my review of the same, I also know that Victim-1 told the PCDA investigator that during the period of May 20, 2023 through May 29, 2023, she engaged in communication with WhatsApp users who asked her to send nude images of herself, and that she complied, sending sexually explicit images of herself on several occasions. I also know from this review that Victim-1 told the PCDA investigator that she used household items she found in her home, in Putnam County, New York, in creating the videos.

9. On or about February 22, 2024, I spoke with Victim-1 via telephone. She confirmed that she created and sent each of the sexually explicit images she sent via WhatsApp during the period of May 20, 2023 through May 29, 2023 while she was in her home in Putnam County, New York.

10. Based on my review of the video recording of the interview described in Paragraph 7, I am familiar with Victim-1's physical appearance, including her facial features, hair color, skin tone, height, and physical build.

11. Also on or about November 22, 2023, Victim-1 provided her cellphone, a black iPhone, to PCSO officers, and Victim-1 and her parent, also present, consented to a review of its contents.

12. Based on the same review of Victim-1's cellphone, I know the following regarding WhatsApp conversations between Victim-1 and the Target.

13. On or about May 20, 2023, a WhatsApp user, with a particular WhatsApp username beginning in 52 and ending in 7960@s.whatsapp.net, saved as M&M in Victim-1's phone (the "Target"), began a WhatsApp conversation with Victim-1 that continued until May 29, 2023.

14. Based on my training and experience, I understand that the format of this WhatsApp username indicates that the telephone number associated with the WhatsApp account saved as M&M in Victim-1's phone is a particular number with country code +52 and ending in 7960 (the "7960 Number"). Based on the same, I also know that the +52 country code indicates a Mexican phone number.

15. I have reviewed the conversation identified in Paragraph 13 above, and additional details are provided below.

- a. At the beginning of the conversation, Victim-1 told the Target that she is 13 years old, but later tells the Target that her real age is 12 years old.
- b. During the course of the conversation, the Target describes himself as "26" years old and suggests he is a male, texting "Do you want to see what my D looks like too" followed by, "Like right now while it's hard" and "Are you glad I showed you how good it is with an older guy."
- c. On or about May 20, 2023, the Target sends Victim-1 a voice message in which a male voice states that he "moved to Mexico a couple years ago after I got into a bunch of trouble." He continues: "I was actually married at 20, got a divorce by 23, and then like a year later I moved to Mexico and the reason why is, my wife

cheated on me, and then I cheated on her with someone who was a lot younger, and she recorded everything and then went to the police with it and yeah.”

- d. Shortly thereafter, on or about May 20, 2023, the Target sent Victim-1 the following text message: “Yeah so I live in Mexico and have for 2 yrs because of my ex I made a smart decision tho and came here”
- e. The Target discusses sexual acts that he would perform on Victim-1 and asks Victim-1 to send pictures and videos to him, which she does. I describe three examples below.

- i. On or about May 20, 2023, the following exchange occurs:

- 1. Target: “Let’s see how good your little pussy is okay”
    - 2. Target: “No it’s awesome trust me haha”
    - 3. Victim-1: “I have this really short skirt”
    - 4. Victim-1: “And this top”
    - 5. Target: “What’re you waiting for”
    - 6. Victim-1: “Do I like those outfit?”
    - 7. Target: “Yeah let me see”
    - 8. Victim-1: Sends a single image that depicts a prepubescent minor female, fully nude, standing and bending over at her waist. The minor female’s vulva and vaginal area is visible to the camera, and it appears that a black object is inserted into her vagina.
    - 9. Victim-1: Sends a single image that depicts what appears to be the vulva and vaginal area of the same prepubescent minor female described above.
    - 10. Victim-1: Sends a single image that depicts what appears to be the vulva and vaginal area of the same prepubescent minor female described above.
    - 11. Victim-1: “Look”
    - 12. Target: “Wow I knew it”
    - 13. Target: “You really are [reference to Victim-1’s ethnic background]”
    - 14. Target: “Seeing the brush in you and you’re only 13 yeah definitely [reference to Victim-1’s ethnic background]”
    - ...
    - 15. Victim-1: “And I was using a hair brush since 9”

- ii. On or about May 21, 2023, the following exchange occurs:



1. Target: “Def make sure your ass and pussy show between your legs”
  2. Victim-1: Sends a single image that depicts a prepubescent minor female sitting on the ground. She is naked from the waist down and has her legs up in the air obscuring the upper half of her torso. Her vulva and vaginal area are visible to the camera, as is the lower portion of her face, including her nose, mouth, and hair.
  3. Target: “Can you take a few like that maybe and video and post it”
  4. Victim-1: Sends a single image, again depicts a prepubescent minor female sitting on the ground. She is naked from the waist down and has her legs up in the air obscuring the upper half of her torso. The minor female’s vulva and vaginal area are visible to the camera, as is the lower portion of her face, including her nose, mouth, and hair.
- iii. Also on or about May 21, 2023, the following exchange occurs:
1. Target: “Would you let me lick your ass while you call me a sick pedo”
  2. Victim-1: Sends a single image of the vulva and vaginal area of a prepubescent minor female with a black object inserted into her vagina.
  3. Victim-1: “Yess”
  4. Target: “I like that you were really horny huh”
- f. Based on my review of the report and video of Victim-1’s interview, described in Paragraphs 7 and 8 above, my familiarity with Victim-1’s physical appearance, as described in Paragraph 10 above, and my review of the images and messages exchanged between Victim-1 and the Target, described in relevant part above, I believe that the images described in Paragraph 15(e), above, appear to depict Victim-1 for the following reasons:
- i. I recognize the prepubescent minor depicted in the images described in Paragraph 15(e)(ii), as Victim-1 based on her facial features, hair color, skin tone, and physical build.
  - ii. I recognize the prepubescent minor depicted in the images described in Paragraph 15(e)(i) and (iii), as the same prepubescent minor depicted in the images described in subsection ii, Victim-1 based on the physical similarity between her and the minor depicted in the images.
  - iii. Additionally, I believe the black object referenced in the descriptions of the images in Paragraph 15(e)(i) and (iii) is a hairbrush, possibly one of the household items Victim-1 referred to using to create the sexually explicit content she during her interview with a PCDA investigator.

- g. Throughout the conversation, the Target sends Victim-1 images and videos of minors engaged in sexually explicit conduct.
- i. For example, on or about May 20, 2023, the following exchange occurs:
    1. Target: "Ill show you my ex gf ok she was 13"
    2. Target: "Cool?"
    3. Victim-1: "Yeah"
    4. Target: Sends a video, 1 minute in duration, of an adult male engaging in penetrative sexual intercourse with a prepubescent minor female, who is positioned face-down on what appears to be a bed.
  - ii. Based on my conversation with Victim-1 described in Paragraph 9 above, I know that Victim-1 was at her home in Putnam County, New York at the time that she received the video described above.
- h. The Target also discusses plans to meet in person, asking Victim-1 if she can "sneak out or say you're going to a friend's house" and suggesting that he would "probably rent a house near yours to make it easy" "or near the school."
- i. On or about May 29, 2023, the Target sends Victim-1 the following message "Also my real name is Kennedy."

16. On or about May 21, 2023, Victim-1's WhatsApp account was added to a group chat containing a large number of users, including the Target (the "Group Chat"). Shortly thereafter, the Target added another WhatsApp account to the Group Chat, which was saved in Victim-1's phone as a particular female name ("Victim-2").

17. Based on my review of a report of an interview of Victim-2 conducted at Oneida County Child Advocacy Center on or about February 15, 2024, I know that Victim-2 is a minor female who was 13 years old in May of 2023 and that she lives in Oneida County, New York.

18. I have reviewed the Group Chat conversation identified in Paragraph 16 above, and additional details are provided below.

- a. On or about May 21, 2023, the following exchange occurs:
  - i. Target: "Hey [nickname for Victim-2]"
  - ii. Victim-2 (in Spanish): "Hello, my name is [Victim-2 name], I am 13 years old."
  - iii. Target: "Post your ass and pussy?"
  - iv. Victim-1: "Who"
  - v. Target: "You and [nickname for Victim-2] haha"
  - vi. Victim-1: "She can go first"

- vii. Target: “[nickname for Victim-2] do you want me to post pictures and videos of you?”
  - viii. Target: Sends a single image of a prepubescent minor female with her breasts exposed. Her face is also visible.
  - ix. Target: Sends a video, 36 seconds in duration, of a prepubescent minor female, naked from the waist down, inserting what appears to be a hairbrush into her vagina.
- b. On or about May 23, 2023, the following exchange occurs:
- i. Target: “How old are you tho?”
  - ii. Victim-2: “She’s 12 I believe”
  - iii. Victim-1: “Yep”
  - iv. Target: “And you [nickname for Victim-2]? How old are you and do you want to be fucked like that?”
  - v. Victim-2: Sends a single image of a prepubescent minor female’s genital area. Both her anus and vulva are visible.
- c. Based on my conversation with Victim-1 described in Paragraph 9 above, I know that Victim-1 was at her home in Putnam County, New York at the time that she received the images and video described in Paragraphs 18(a) and (b) above.

19. Based on my conversations with the interviewer who conducted the interview of Victim-2 described in Paragraph 17 above, I know that Victim-2 was shown the images and video described in Paragraph 18, above, and identified herself as the prepubescent minor female depicted.

20. On or about May 29, 2023, a WhatsApp user with a particular username ending in 5660@s.whatsapp.net, which was also stored in Victim-1’s phone as “M&M,” sent Victim-1 the following messages: “Hey its me” “My other account got banned for sending so many messages hahaha.”

21. On or about June 2, 2023, WhatsApp filed a Cybertip with the National Center for Missing and Exploited Children (“NCMEC”) in connection with the WhatsApp account associated with the 7960 Number.

22. Based on my training and experience, I know that when providers like WhatsApp determine that a user is sending or receiving sexually explicit images of minors on their platform, the provider will often immediately deactivate the account and then submit a report to NCMEC.

#### Identification of Kennedy Carter as the Target

23. On or about February 24, 2023 an employee (the “Employee”) of a company that connects sales representatives with companies looking to hire them (the “Company”) reported to the FBI that one such sales representative named “Mikey,” had sent abusive messages to the Employee. The report indicated that Mikey had supplied the 7960 Number in connection with his Company profile. The report also attached a LinkedIn page for a Mikey Portuguese Perez, which included a profile photograph (the “LinkedIn Page”).

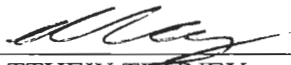
24. On or about January 8, 2023, I ran the profile photograph from the LinkedIn Page through facial recognition software and received a positive hit for a booking photograph of KENNEDY CARTER, the defendant. I also reviewed the booking photograph for CARTER with the profile photograph from the LinkedIn Page and determined that the two photographs appear to depict the same individual.

25. On or about January 9, 2024, I spoke with the Employee. The Employee confirmed that the 7960 Number was attached to "Mikey's" profile with the Company. The Employee also provided Mikey's Company profile photograph to me via email. I have reviewed the photograph and it appears to be the same individual depicted in KENNEDY CARTER's, the defendant's, booking photograph as well as the profile photograph from the LinkedIn Page.


26. I have reviewed a criminal history file from Oregon for the same KENNEDY CARTER, the defendant, identified in Paragraph 24 above. CARTER, who was born in 1996 and is approximately 27 years old, was convicted on or about April 29, 2021 in Benton County Circuit Court in Oregon of encouraging child sexual abuse in the first degree and is a registered sex offender.

27. I have reviewed Oregon's sex offender registration file for KENNEDY CARTER, the defendant, which includes a photograph of CARTER. Based on my training and experience, and the date of the photograph, which is listed as August 10, 2021, I believe that this photograph was taken in connection with CARTER's registration as a sex offender in Oregon. I have reviewed this photograph and it appears to be the same individual depicted in CARTER's booking photo, as well as the LinkedIn Page profile photo and the Company profile photo for "Mikey."

WHEREFORE, I respectfully request that a warrant be issued for the arrest of KENNEDY CARTER, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

  
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MATTHEW TUNNEY  
Task Force Officer  
Federal Bureau of Investigation

Sworn to before me this  
23<sup>rd</sup> day of February, 2024

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