

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COPY

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: 24 mj 2754
UNITED STATES OF AMERICA : SEALED COMPLAINT
:
: Violation of 18 U.S.C. §§ 2422(b)
-v- : and 2251(a) and (e)
:
OSCAR LEMUS, : COUNTY OF OFFENSE:
: Rockland
Defendant. :
:
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SOUTHERN DISTRICT OF NEW YORK, ss.:

VANCE PLESKO, 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
(Enticement of a Child)

1. From at least on or about April 20, 2024 up to and including April 23, 2024, in the Southern District of New York and elsewhere, OSCAR LEMUS, the defendant, using facilities and means of interstate and foreign commerce, persuaded, induced, and enticed an individual who had not attained the age of 18 years to engage in a sexual activity for which a person can be charged, to wit, OSCAR LEMUS, the defendant, via communications on social media, persuaded a 14-year-old minor ("Victim-1") to meet him in Rockland County, New York in order to engage in sexual activity in violation of New York Penal Law, including New York Penal Law Section 130.30.

(Title 18, United States Code, Section 2422(b))

COUNT TWO
(Sexual Exploitation of a Child)

2. On or about March 16, 2024, in the Southern District of New York and elsewhere, OSCAR LEMUS, 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, LEMUS, while in the Bronx, New York, engaged in sexual activity with a 14-year-old minor ("Victim-2") and video-recorded the sexual activity using a cellphone.

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

COUNT THREE

(Sexual Exploitation of a Child)

3. On or about August 20, 2023, in the Southern District of New York and elsewhere, OSCAR LEMUS, 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, LEMUS, while in Rockland County, New York, persuaded a 16-year-old minor ("Victim-3") in Mississippi to engage in sexual activity during a live video chat with LEMUS.

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

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

4. I am a detective with the Ramapo Police Department ("RPD") and an FBI Task Force Officer assigned to the Westchester County Safe Streets Task Force. I have been employed as a law enforcement officer with RPD for approximately 19 years. I have been a detective and an FBI Task Force Officer for the last four years. 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.

5. 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.

6. Based on my conversations with an RPD detective ("Detective-1") and my review of RPD reports, I am aware that, on or about April 24, 2024, the mother ("Mother") of a 14-year-old child ("Victim-1") reported to RPD that Victim-1 had engaged in sexual activity at their

home in Rockland County, New York. Detective-1 interviewed Mother, who advised, in substance and in part, that, the previous evening, she had been asleep when she was awakened by noise from Victim-1's bedroom. Mother attempted to enter Victim-1's room but it was locked. Mother eventually opened the door and discovered Victim-1 naked and the bedroom window open. The next morning, Victim-1 told Mother that she had met a male on Instagram who told her he was 16 years old and that, the previous evening, she let that male into her bedroom through her bedroom window and had sexual intercourse with him.

7. Based on my conversations with Detective-1 and my review of RPD documents, I am aware that Detective-1 spoke to Victim-1 at her residence on April 24, 2024 and again on April 25, 2024. Victim-1 said, in substance and in part, that about two weeks ago, a male using the screen name "Lemus.xp" added her on Instagram and began to message her. She also communicated with him by phone through Instagram. She told him that she was almost 15. He told her that he was 16 years old, lived in Haverstraw, New York, and worked at a particular mall ("Mall-1") in Rockland County, New York. He asked to meet her and she gave him her address. On April 23, 2024, he arrived at her house and she let him in through her bedroom window. While they were having sex, Victim-1's mother tried to enter the room, and he left through the bedroom window.

8. Based on my conversations with Detective-1 and my review of RPD documents, I am aware that Victim-1 was shown a photo array that included a photograph of OSCAR LEMUS, the defendant. Victim-1 identified OSCAR LEMUS, the defendant, as the male who came to her bedroom on April 23, 2024 and had sex with her.

9. Based on my conversations with Detective-1 and my review of RPD documents, I am aware that, on April 25, 2024, Detective-1 and other RPD detectives went to Mall-1 and located OSCAR LEMUS, the defendant, in a retail store. He agreed to accompany them to RPD. At the station, after waiving his *Miranda* rights, LEMUS stated, in substance and in part, that he is 23 years old, that he lives in Rockland County, that he had gone to Victim-1's house, entered via a window and had sexual intercourse with Victim-1. He said that he believed that she was 15 years old. He also said that he had sent Victim-1 a video of himself masturbating and that Victim-1 sent him a photograph of her vagina via Instagram messenger. Further, LEMUS provided consent for a search of his phone, an iPhone 12 ("Phone-1").

10. On or about May 3, 2024, a law enforcement officer ("Officer-1") who is specially trained in the forensic examination of digital material, extracted material from Phone-1 (the "Material") and provided me with the Material. Based on my review of the Material, I am aware that Phone-1 contains a number of Instagram messages exchanged between "lemus.xp" and Victim-1 on April 23, 2024. These messages include the following:

a. At approximately 1:14 a.m., "lemus.xp" told Victim-1, "I can't stop thinking about you" and "I want you to ride me."

b. At approximately 1:17 a.m., "lemus.xp" told Victim-1, "Almost there baby."

c. At approximately 1:21 a.m., “lemus.xp” told Victim-1, “Be there in 3 mins.”

d. At approximately 1:24 a.m., “lemus.xp” told Victim-1 “I’m here.”

11. Based on my review of the Material, I am also aware that Phone-1 contains numerous sexually explicit photos and videos. Among the files contained on Phone-1 are the following:

a. File title ending in CB7AC.mov (“File-1”): This file is a video approximately 4 minutes and 18 seconds long. The video depicts a male wearing a black t-shirt who is using his mouth on a female’s vagina. The camera, which is facing the male’s mouth, appears to be held by the female.

b. File title ending IMG_2354.MOV (“File-2”): This file is a video that is approximately 2 minutes and 55 seconds. The video depicts the same male engaging in sexual intercourse with a female. The female is standing facing a sink and she is bending over the sink and bracing herself against the sink with her arms. The male is entering her from behind and wearing a condom. During part of the video, the male is spanking the female’s buttocks, and the camera appears to move from one of the male’s hands to the other as the male spanks the female’s right buttocks with his right hand and then spanks her left buttocks with his left hand. Data contained in File-2 indicates that the file was created on or about March 16, 2024 with an iPhone 11 and was transferred to Phone-1 by text message on or about April 2, 2024.

c. File title beginning 9A0E0A4F (“File-3”): This file is a photo of the backside of a naked female who is crouched on all fours near a bed. Her genital area is visible and her fingers are inserted in her vagina. There is a pink hairbrush on the floor near the female’s buttocks. The data embedded in File-3 indicates that the file was created on or about August 20, 2023 at approximately 1:55 a.m. during a Facetime video session.

12. Based on my review of the Material, I am aware that Phone-1 participated in a five-hour Facetime call on August 20, 2024 beginning at approximately 1:30 a.m. and ending at approximately 6:30 a.m. Based on my experience, I am aware that a participant in a Facetime call is able to take screenshots during a Facetime call in order to capture still images of what appears on the phone. Based on my review of the Material as well as my experience, I believe that File-3 is a screenshot that Phone-1 captured during that five-hour Facetime call.

13. In addition, Phone-1 contains several photos of the screen of another phone, on which a sexually explicit image is displayed. In one of these photos, the image on the screen of the other phone depicts hands spreading a vagina open. In another one, the image on the screen of the other phone depicts underwear that has been pushed aside and fingers touching a vagina.

14. Based on my review of the Material, I am aware that numerous text messages between Phone-1 and a telephone number saved in Phone-1’s contacts as a particular name (“Name-1”) were recovered from Phone-1. These messages were exchanged between January 30, 2024 and February 25, 2024. Among these messages are the following:

a. On January 31, 2024, at approximately 12:18 a.m., Name-1 asked, "What's your full name?" Phone-1 responded, "Oscar mata lemus."

b. On February 4, 2024, at approximately 12:57 p.m., Phone-1 said, "Your really gonna try to make me last long." Name-1 responded, "Tbh I would prefer to use condoms." At approximately 1:12 p.m., Phone-1 said, "Dw ill cum on you or in your mouth."

c. On February 11, 2024, at approximately 12:28 p.m., Phone-1 said, "I'll meet you around 3 then" and "I can't wait to see you."

d. On February 11, 2024, at approximately 4:28 p.m., Phone-1 said, "I'm here" and "Outside your house."

e. On February 18, 2024, at approximately 7:47 p.m., Phone-1 said, "I had an amazing time with you." Name-1 told Phone-1, "Me too I should have told you to come earlier" and added "But I was waiting for my mom to go far." Phone-1 responded, "It's okay it's better to be safe."

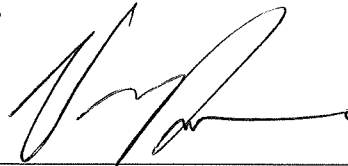
f. On February 20, 2024, at approximately 1:59 a.m., Phone-1 said, "You look so beautiful and good yesterday." At approximately 2:03 a.m., Phone-1 said, "You really did my love" and added, "And you made me feel so good." At approximately 2:08 a.m., Phone-1 said, "And I really felt your legs shake when I was eating you out at the end." At approximately 2:09 a.m., Phone-1 said, "You tasted so good, I want to eat you out again."

15. On or about July 17, 2024, an FBI forensic interviewer met with a 14-year-old ("Victim-2"), whose first name is Name-1. The interview was video-recorded and I watched it while it was occurring. Victim-2 advised, in substance and in part, that she and OSCAR LEMUS, the defendant, met via social media in or about January 2024. Victim-2 said that she and LEMA met in person in the Bronx almost every weekend between January 2024 and April 2024, and that, every time they met, they engaged in sexual intercourse. Victim-2 said that LEMUS told her that he was 16 years old and she told him she was 14 years old. Victim-2 said that they took pictures and videos of their sexual activity at LEMUS's request so that LEMUS could watch them again later. Victim-2 said that they used either his phone or her phone to make the recordings. When they used her phone, she would send the recordings to his phone at his request. The forensic interviewer showed Victim-2 a screenshot taken from File-2. Victim-2 identified herself as the female who appeared in the screenshot and identified LEMUS as the male in the screenshot. Victim-2 also identified the text messages between Phone-1 and Name-1 as her messages with LEMUS.

16. On or about July 25, 2024, an FBI forensic interviewer met with a 16-year-old ("Victim-3"), who lives in Mississippi. The interview was recorded and I watched the interview while it was occurring. Victim-3 advised, in substance and in part, that she and OSCAR LEMUS, the defendant, met via social media in or about June 2023. When they first began communicating, he told her he was 17 and she told him she was 15. She turned 16 shortly after they began communicating. Victim-3 said that, on numerous occasions she sent LEMUS sexually explicit images of herself at his request. She also engaged in numerous live Facetime video chats with LEMUS and sometimes they would keep the Facetime video on for hours.

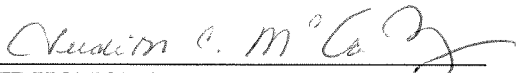
During the video chats, she would see LEMUS masturbating in his bedroom and he would request that she engage in sexual acts for him on camera, including touching herself, rubbing herself, and putting her fingers and various objects (including a hairbrush) into her vagina. Victim-3 identified herself as the female who appears in File-3 and said that the image was from a live Facetime video session between her and LEMUS.

WHEREFORE, the deponent respectfully requests that OSCAR LEMUS, the defendant, be arrested and imprisoned or bailed, as the case may be.



Vance Plesko
Task Force Officer
Federal Bureau of Investigation

Sworn to before me this
30th day of July



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