

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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| UNITED STATES OF AMERICA | : |
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|                          | : |
| DAVID FERNANDES III,     | : |
|                          | : |
| Defendant.               | : |
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|                          | X |

COMPLAINT

Violation of 18 U.S.C. §§ 1470  
and 2260A

COUNTY OF OFFENSE:  
Dutchess

SOUTHERN DISTRICT OF NEW YORK, ss.:

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

COUNT ONE

(Transfer of Obscene Material to Minors)

1. On or about October 8, 2024, in the Southern District of New York and elsewhere, DAVID FERNANDES, III, the defendant, using the mail and any facility and means of interstate and foreign commerce, knowingly transferred obscene matter to another individual who had not attained the age of 16 years, knowing that such other individual had not attained the age of 16 years, to wit, FERNANDES, while in Orange County, New York, transmitted to an 11-year-old ("Victim-1") via the internet, an obscene photo of an adult male hand holding an erect penis.

(Title 18, United States Code, Section 1470.)

COUNT TWO

(Penalties for Registered Sex Offenders)

2. On or about October 8, 2024, in the Southern District of New York and elsewhere, DAVID FERNANDES, III, 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 1470, to wit, the felony offense charged in Count One of this Complaint.

(Title 18, United States Code, Sections 2260A.)

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

3. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), assigned to the FBI’s Boston Field Office, Worcester Resident Agency. I have been employed by the FBI since March 2024. 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 investigations.

4. Based on my conversations with a detective (“Detective-1”) from the Holden Police Department (“HPD”) in Holden, Massachusetts and my review of HPD reports, I am aware that, on or about October 11, 2024, the mother of an 11-year-old child (“Victim-1”) reported to HPD that she had discovered sexually explicit images and communications on Victim-1’s cellphone. The mother reported that Victim-1 had exchanged the sexually explicit images and communication with the user of a telephone with a number ending in 4245 (“4245-Phone”). Based on my review of HPD reports, I am aware that Victim-1’s mother provided the HPD with Victim-1’s cellphone (“Phone-1”) and provided consent for a forensic examination of Phone-1. Further, I am aware that Victim-1 disclosed to her mother and HPD that Victim-1’s friend, a 12-year-old child (“Victim-2”), was also in communication with the user of the 4245-Phone.

5. Based on my review of HPD reports, I am aware that, on or about October 12, 2024, HPD met with Victim-2 and Victim-2’s father. Victim-2 disclosed, among other things, that Victim-2 had exchanged sexually explicit images and communication with the user of the 4245-Phone. Victim-2’s father provided HPD with Victim-2’s cellphone (“Phone-2”) and provided consent for a forensic examination of Phone-2.

6. Based on my conversations with a member of the FBI Regional Computer Forensic Lab who is specially trained in the forensic examination of digital material (“Examiner-1”), I am aware that, on or about November 13, 2024, Examiner-1 extracted material from Phone-1 (“Material-1”) and Phone-2 (“Material-2”). Based on my review of Material-1, I am aware that Phone-1 contains over 4000 messages exchanged between Phone-1 and the 4245-Phone beginning at approximately 5:10 p.m. EDT on October 4, 2024 to approximately 6:53 p.m. EDT on October 8, 2024. In these messages, the user of the 4245-Phone identified himself as a 26-year-old man and transmitted sexually explicit videos and photos of an adult man to Phone-1. The messages between Phone-1 and the 4245-Phone include the following:

a. At approximately 5:13 p.m. EDT on October 4, 2024, the 4245-Phone said, “I was with my kids sorry I didn’t text u.” Shortly thereafter, the 4245-Phone transmitted a photo (“Photo-1”).

b. At approximately 4:41 a.m. EDT on October 5, 2024, the 4245-Phone said, “I sent [nickname for Victim-2] the video” and Phone-1 replied, “Well she is sleeping.” The 4245-Phone then said “It was a lot tmi,” and “I have it saved just don’t know if I should show u.” Shortly thereafter, the 4245-Phone said “Fuck it” and transmitted a video (“Video-1”) to Phone-1.

c. On October 5, 2024, the 4245-Phone and Phone-1 discussed their ages and the age of Victim-2:

i. At approximately 5:09 a.m. EDT, the 4245-Phone asked, “How old do you think I am.” Phone-1 first guessed 15 or 16, and then continued to guess higher as the 4245-Phone told her to keep going. When Phone-1 said “26,” the 4245-Phone said “Oh god,” “yeaaa,” and “should’ve not told u.”

ii. At approximately 5:15 a.m. EDT, Phone-1 asked the 4245-Phone, “No no um do u know [nickname for Victim-2]’s real age” and the 4245-Phone said “16,” and later “15?” Phone-1 replied “She’s 13.”

iii. Later, Phone-1 and the 4245-Phone discussed how 4245-Phone had lied to Victim-2 about his age and that Victim-2 lied to 4245-Phone about Victim-2’s age. At approximately 12:38 p.m. EDT, Phone-1 said “Bc she’s 12 and u 26,” referring to the age of Victim-2 and the user of the 4245-Phone, respectively.

iv. At approximately 1:58 p.m. EDT, Phone-1 said, “Ok I’m one year younger then [Victim-2],” and the 4245-Phone responded, “Well I’ve been throwing up since [Victim-2] told me both yah ages.”

d. On October 7, 2024, Phone-1 asked the 4245-Phone “What u look like” and the 4245-Phone said “And okay hold on.” Shortly thereafter, the 4245-Phone transmitted a photo (“Photo-2”).

e. At approximately 3:58 a.m. EDT on October 8, 2024, the 4245-Phone said “I wanna feel u,” “Like genuinely feel inside u” and “I wanna be all the way inside you.” At approximately 4:00 a.m. EDT, the 4245-Phone transmitted a photo (“Photo-3”) and shortly thereafter said “Imagine that inside u.”

7. Based on my review of Material-1, I am aware that Phone-1 contains over 130 texts exchanged between Phone-1 and a telephone number ending in 2137 (“2137-Phone”) beginning at approximately 2:52 a.m. EDT on October 6, 2024, to approximately 12:44 p.m. EDT on October 10, 2024. At approximately 2:52 a.m. EDT on October 6, 2024, the 2137-Phone said, “Please unblock me I need to talk to you it’s important I’m losing it rn” and “[nickname of Victim-1] please.” At approximately 1:38 a.m. EDT on October 7, 2024, the 2137-Phone said to Phone-1, “Text my number [number for 4245-Phone].”

8. Based on my review of the Material-1 and my review of the photos and videos exchanged between the 4245-Phone and Phone-1, I am aware that:

a. Photo-1: This image depicts a light-skinned baby with a yellow top and blue bottoms in a car seat. The metadata indicates the photo was taken on or around October 4, 2024, using an Apple iPhone 15 Pro Max Model 6.

b. Photo-2: This image depicts an adult light-skinned male with dark eyes and facial hair wearing a light-colored shirt and headphones. Red and white horns were drawn on the image on the male's head.

c. Photo-3: This image depicts a light-skinned adult holding an erect penis. The adult appears to be laying down with a light-yellow or beige-colored blanket covering his lower body.

d. Video-1: This video depicts a light-skinned adult holding an erect penis. The adult is masturbating and ejaculates. The light-yellow or beige-colored blanket from Photo-3 can be seen in the video.

9. Based on my review of Material-2, I am aware that Material-2 contains a sexually explicit video ("Video-2") that, according to data contained in Material-2, was created on or about October 10, 2024. The video depicts a light-skinned female in a shower, naked, with her breasts and pubic area visible. The device used to record the video appears to be propped up in the shower. The female moves away from the camera and touches her vulva with her fingers. She turns around, bends over, and shakes her exposed buttocks. She picks up the camera and brings it close to her face and sticks her tongue out.

10. On or about November 22, 2024, Victim-1 was interviewed by a forensic interviewer. I observed the interview as it occurred. Victim-1 said that she first messaged with the 4245-Phone during a sleepover at Victim-2's house on or about October 4, 2024. During the sleepover, Victim-2 asked to use Phone-1 to message the 4245-Phone, who Victim-2 referred to as her boyfriend that she met on Snapchat. Following the sleepover, the 4245-Phone continued to message Phone-1. Victim-1 eventually blocked the 4245-Phone on Phone-1. The forensic interviewer showed Photo-2 to Victim-1. Victim-1 identified the image as being sent to Phone-1 by the 4245-Phone. Victim-1 was shown Photo-3 and identified Photo-3 as being sent to Phone-1 by the 4245-Phone.

11. On or about November 22, 2024, Victim-2 was interviewed by a forensic interviewer. I observed the interview while it occurred. Among other things, Victim-2 said, in substance and in part:

a. Victim-2 received a message on Snapchat from an unknown male who identified himself as "David." This occurred after the start of the most recent school year, approximately in September 2024.

b. Victim-2 communicated with David over Snapchat, Roblox, and through video chats on Google Meets. At some point, David asked Victim-2 to be his girlfriend. David sent Victim-2 pictures of his penis and videos of himself "playing with his penis" over Snapchat.

c. David requested that Victim-2 send pictures and videos of Victim -2 "playing with her vagina." Victim-2 complied and sent photos and videos of her naked breasts and vagina, mostly via Snapchat.

d. During a sleepover with Victim-1 on or about October 4, 2024, Victim-2 provided the phone number for Phone-1 to David so that Victim-2 and David could message one another through Phone-1. At that point, Victim-2 began messaging David at the 4245-Phone using Phone-1.

e. The forensic interviewer showed Victim-2 a screenshot of Video-2, explaining that it was a screenshot from a video on Victim-2's phone. Victim-2 identified the screenshot as an image of herself in the shower. When the forensic interviewer asked, "How come you knew what to include in this video," Victim-2 said, "He must have told me. I don't remember taking the photo, video."

12. I have reviewed AT&T records indicating that, on or about August 15, 2024, the 4245-Phone, an Apple iPhone 15 Pro Max, was registered to an individual ("Individual-1") at an address in Pleasant Valley, New York. The records indicate that the IMEI for the 4245-Phone is a number ending in 6747 ("IMEI-1").

13. The AT&T records relating to the 4245-Phone revealed that the 4245-Phone received an incoming call from Phone-1 on or about October 4, 2024, at approximately 8:35 p.m. EDT. The 4245-Phone made an outgoing call to Phone-1 on October 5, 2024, at approximately 11:02 a.m. EDT.

14. I have reviewed New York Motor Vehicle records for DAVID FERNANDES III, the defendant. These records reflect that FERNANDES has a date of birth in 1997, making him approximately 27 years old. The records contain a photo of FERNANDES, the defendant. Based on a comparison of this photo of FERNANDES with the individual who appears in Photo-2, I believe that Photo-2 is also a photo of FERNANDES, the defendant. As discussed above, the 4245-Phone sent Photo-2 to Phone-1 in response to Phone-1's message asking "[w]hat u look like."

15. I have reviewed police records relating to DAVID FERNANDES III, the defendant. These records reveal that FERNANDES is a registered sex offender. Based on my review of these records, I am aware of the following details concerning the incident that led to FERNANDES' status as a registered sex offender:

a. On or about June 21, 2018, FERNANDES was interviewed by members of New York State Police ("NYSP") and disclosed that he had sent a 15-year-old photos of his erect penis, that it was possible that he had sent a video of himself masturbating, and that he asked the minor to send nude pictures of herself so he could masturbate to the pictures.

b. FERNANDES was accompanied to the interview on June 21, 2018, by his father. FERNANDES' father identified Individual-1 as FERNANDES' mother.

c. On or about March 19, 2019, following a guilty plea, FERNANDES was convicted of Disseminating Indecent Material to a Minor. He received a sentence of five years' probation, which he completed on or about September 12, 2024. As a result of this conviction, FERNANDES was required to register as a sex offender for a period of twenty years.

16. In or about November 2024, I reviewed Sex Offender registration records for FERNANDES, the defendant. The records reflected that FERNANDES's address was an address in Dutchess County ("Residence-1"). Based on my conversations with a detective ("Detective-2") with the Dutchess County Sheriff's Office, I am aware that, on or about February 4, 2025, Detective-2 went to Residence-1 and spoke to FERNANDES, the defendant. FERNANDES told Detective-2 that his phone number was the number for the 4245-Phone.

17. I have reviewed Apple records indicating that the Apple device with IMEI-1 is an Apple iPhone 15 Pro Max with the number for the 4245-Phone. The records reflect the phone was activated on August 15, 2024 from a specific IP address ("IP-1"). According to the Apple records, an Apple Store update or redownload occurred on the 4245-Phone on October 8, 2024, at approximately 12:45 a.m. EDT and approximately 1:38 p.m. EDT, from IP-1. I am aware that the 4245-Phone sent Photo-3 to Phone-1 on October 8, 2024 at approximately 4:00 a.m. and that text messages between the 4245-Phone and Phone-1 continued that day until approximately 6:53 p.m.

18. I have reviewed CSC Holdings, LLC records indicating that IP-1 has been assigned to Residence-1 since September 4, 2023.

19. Based on all of the above, I believe that DAVID FERNANDES III, the defendant, is the individual who was using the 4245-Phone to converse with Victim-1 and Victim-2 and that FERNANDES is the individual who sent Photo-3 to Victim-1 at Phone-1.

WHEREFORE, the deponent respectfully requests that DAVID FERNANDES III, the defendant, be arrested and imprisoned or bailed, as the case may be.

/s/ Lauren Vatie by JCM with permission  
LAUREN VATIER  
Special Agent  
Federal Bureau of Investigation

Sworn to me through the transmission of this  
Affidavit by reliable electronic means, pursuant to  
Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this  
29th day of April, 2025

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

