

Approved: EL-2
ELINOR L. TARLOW
Assistant United States Attorney

Before: HONORABLE KEVIN N. FOX
United States Magistrate Judge
Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : COMPLAINT
:
- v. - : Violations of 18
: U.S.C. §§ 2422(b) and 2
SHMUEL ZARZAR, :
: COUNTY OF OFFENSE:
Defendant. : New York
:
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

AARON SPIVACK, 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

(Attempted Inducement of a Minor to Engage in Sexual Activity)

1. From at least in or about December 2017, up to and including in or about February 2018, in the Southern District of New York and elsewhere, SHMUEL ZARZAR, the defendant, used facilities and means of interstate commerce to knowingly persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in sexual activity for which a person can be charged with a criminal offense, and attempted to do the same, to wit, ZARZAR used phone messaging applications to attempt to persuade, induce, entice, and coerce a minor to engage in sexual activity and attempted to meet with the minor in New York, New York to engage in sexual activity.

(Title 18, United States Code, Sections 2422(b) and 2.)

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

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed for approximately nine years. I am assigned to an FBI squad charged with investigating violations of criminal law relating to the sexual exploitation of children. This affidavit is based upon my personal knowledge, my review of documents, and my conversations with law enforcement agents and other people. 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 actions and statements of others are reported herein, they are reported in substance and in part, except where otherwise expressly indicated.

2. Based on my personal participation in the investigation of this matter and my conversations with law enforcement officers and other individuals, I have learned the following, in substance and in part:

a. From at least on or about December 1, 2017 to on or about December 18, 2017, SHMUEL ZARZAR, the defendant, exchanged text messages with a minor (the "Victim") whom ZARZAR had met in person in Brooklyn, New York. During the course of this text message conversation, ZARZAR stated, in part, that the Victim was "really cute." The Victim also confirmed during this conversation, in substance and in part, that the Victim was not allowed to walk ZARZAR's dog because the Victim's mother would not allow the Victim to speak with or take jobs from strangers. ZARZAR responded, in part, that "now is as good a time as any to start" because "U will have the opportunity to have alot of fun" and "do things u might want to do without having to worry about people judging you," including "a thing or 2 u want to do but don't because ur scared of what people will say or do if they knew." ZARZAR later indicated that he was or had been on a street near where the Victim attended school and requested several times to coordinate a meeting with the Victim.

b. From at least on or about December 26, 2017 to on or about February 1, 2018, after law enforcement officials were informed of the text message exchanges between ZARZAR and the Victim, a law enforcement officer operating in an undercover capacity ("UC-1") assumed the Victim's identity and began to communicate with ZARZAR from the Victim's cellphone with the consent of the Victim's parents. The UC-1, acting as the

Victim, initially communicated with ZARZAR by text message and then by sending text, picture, and voice messages through WhatsApp. Based on my training and experience, I have learned that WhatsApp is a smartphone messenger application that allows users to connect with other users and exchange text, picture, and voice messages.

c. On or about January 5, 2018, ZARZAR sent text messages to the Victim's cellphone. UC-1, who was assuming the identity of the Victim, stated to ZARZAR over text message, in substance and in part, that UC-1 (i.e., the Victim) was twelve years old.

d. On or about January 22, 2018, ZARZAR sent text messages to the Victim's cellphone and engaged in a text message conversation with UC-1, who was assuming the Victim's identity. ZARZAR, who appeared to believe that he was communicating with the Victim, asked UC-1, "what r u wearing," to which UC-1 replied, in part, "[a] shirt and underwear" and "I'm basically naked." ZARZAR later responded, in part, "i want u to send me a pic as u r now" and that "if were together eventually were gna see each other naked anyways."

e. On or about January 23, 2018, during the course of a WhatsApp chat, ZARZAR asked UC-1, who continued to assume the Victim's identity, to send a "full body pic" and to "pick up the shirt so I can see ur belly." After ZARZAR did not receive the requested picture, ZARZAR stated, in part, "ur Gna be in such trouble if u go to sleep without sending me th3 pic."

f. On or about January 25, 2018, ZARZAR sent UC-1, who was acting as the Victim, a WhatsApp message stating, in substance and in part, that ZARZAR would provide the Victim with an additional cellphone that he would place inside of a shul near the Victim's school. On or about January 26, 2018, ZARZAR informed UC-1, who was assuming the Victim's identity, that ZARZAR had placed the cellphone in the shul and that the Victim should retrieve it. On the same day, law enforcement officials observed and took surveillance photographs of ZARZAR standing near the shul and the Victim's school for several hours.

g. On or about January 27, 2018, UC-1 assumed the identity of the Victim in a WhatsApp chat with ZARZAR. During the course of this conversation, ZARZAR repeatedly asked for the Victim's home address in order to provide the Victim with an additional cellphone to communicate with ZARZAR. Although UC-1 did not provide the Victim's home address, ZARZAR later stated that he would leave the cellphone outside of the Victim's home

that night. When UC-1, acting as the Victim, asked ZARZAR how he was able to determine the Victim's home address, ZARZAR responded, in part, "I'm very good at finding out what I need to" and that he had "looked online and found the exact address."

h. On or about January 30, 2018, in a WhatsApp chat, ZARZAR and UC-1, acting as the Victim, arranged to meet on January 31, 2018. ZARZAR then sent UC-1 several WhatsApp messages stating, in part, "Oh my gosh I cannot wait to give you an orgasm oh my God," "I cannot wait to give you one and to be the first person to give you one is blowing my mind," and "it's going to be the most amazing experience for both of us and I cannot wait."

i. After their January 31, 2018 meeting did not occur, UC-1, acting as the Victim, exchanged messages in a WhatsApp chat with ZARZAR about meeting on February 1, 2018 near P.S. 150 located in Manhattan. On or about February 1, 2018, UC-1 received WhatsApp messages from ZARZAR that ZARZAR was traveling from Brooklyn to Manhattan for the intended meeting. Law enforcement officers, who at the time were surveilling ZARZAR, later observed ZARZAR standing near P.S. 150 in Manhattan and apprehended ZARZAR shortly thereafter.

WHEREFORE, deponent prays that SHMUEL ZARZAR, the defendant, be arrested, and imprisoned or bailed, as the case may be.

AARON SPIVAK
Special Agent
Federal Bureau of Investigation

Sworn to before me this
2nd day of February, 2018

THE HONORABLE KEVIN N. FOX
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK