

19MAG 9183

Approved: _____

KEDAR S. BHATIA

Assistant United States Attorney

Before: THE HONORABLE KEVIN NATHANIEL FOX
United States Magistrate Judge
Southern District of New York

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: UNITED STATES OF AMERICA : SEALED COMPLAINT
: :
: -v.- : Violations of 18 U.S.C.
: : §§ 2251(a) and (e);
MICHAEL BARRETO, : 2252A(a)(5)(B) and
: (b)(2); 2422(b); and 2
Defendant. :
: COUNTY OF OFFENSE:
----- : BRONX
X

SOUTHERN DISTRICT OF NEW YORK, ss.:

JULIA WATSON, being duly sworn, deposes and says that she is a Detective with the New York Police Department ("NYPD"), and charges as follows:

COUNT ONE

(Sexual Exploitation of a Child)

1. From at least in or about November 2017 up to and including in or about July 2019, in the Southern District of New York and elsewhere, MICHAEL BARRETO, the defendant, willfully and knowingly did employ, use, persuade, induce, entice, and coerce 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, 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, which 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 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,

BARRETO induced a minor to engage in sexual conduct with him and BARRETO recorded a video of the incident.

(Title 18, United States Code, Sections 2251(a), (e) and 2.)

COUNT TWO

(Possession of Child Pornography)

2. From at least in or about November 2017 up to and including in or about July 2019, in the Southern District of New York and elsewhere, MICHAEL BARRETO, the defendant, knowingly did possess and access with intent to view, and attempt to possess and access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed and shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, BARRETO possessed a video containing child pornography on a mobile phone in his residence in the Bronx, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B), (b)(2) and 2.)

COUNT THREE

(Enticement of a Minor)

3. From at least in or about November 2017 up to and including in or about July 2019, in the Southern District of New York and elsewhere, MICHAEL BARRETO, the defendant, knowingly used the mail and a facility and means of interstate and foreign commerce to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in prostitution and sexual activity for which a person can be charged with a criminal offense, to wit, BARRETO electronically communicated with an individual who had not attained the age of 18 years to entice him to engage in sexual activity in violation of New York Penal Law § 130.55.

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

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

1. I am a Detective with the New York Police Department. I am currently in the Bronx Special Victims Child Abuse Squad and have been in that squad for the past four years. Before that, I was an officer in the New York Police Department's 40th Precinct for six years. During my time in the New York Police Department I have investigated a number of sex crimes.

2. I have been involved in the investigation of this matter, and I base this affidavit on that experience, as well as on my conversations with other law enforcement agents, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating 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. In or about September 2019, law enforcement officers recovered a mobile phone (the "Mobile Phone") during a lawful arrest of MICHAEL BARRETO, the defendant. Law enforcement officers found the Mobile Phone on BARRETO's person while arresting him.

4. Based on my review of the contents of the Mobile Phone, I have learned the following:

a. The Mobile Phone contains a folder displaying various photographs and videos.

b. Among the photographs in that folder are several photographs (the "July 2019 Photographs") that appear to depict a minor individual ("Victim-1"). In the photographs, Victim-1, a black male, is wearing a grey t-shirt and a black head covering. The black male in the photographs has a scar on his left elbow. Metadata for the photographs shows that they were taken on July 25, 2019.

c. I also observed a video in the same folder ("Video-1"). Video-1 shows one individual, a black male, stroking the penis of another individual, a white male. In the video, the black male is wearing a grey t-shirt and a black head covering. The black male also has a scar on his left elbow, which appears to be similar to the scar on the left elbow of the individual depicted in the July 2019 Photographs. Metadata for Video-1 shows that it was taken on July 28, 2019.

5. Based on my conversations with Victim-1 and my conversations with another law enforcement officer who spoke to Victim-1, I have learned the following, in substance and in part:

a. In or about November 2017, Victim-1 met MICHAEL BARRETO, the defendant.

b. Between in or about November 2017 and in or about July 2019, BARRETO and Victim-1 met on several occasions and exchanged electronic communications.

c. In some instances, the electronic communications referenced actual or potential sexual contact between BARRETO and Victim-1. In one electronic communication, BARRETO asked Victim-1 to come over to his apartment. BARRETO added that if Victim-1 came over, BARRETO would attempt to have intercourse with him.

d. In or about July 2019, Victim-1 went to BARRETO's apartment. There, Victim-1 played video games, drank alcohol, and smoked marijuana, which BARRETO had provided. At some point, Victim-1 was laying on his stomach and touching BARRETO's exposed penis. Later in the same evening, BARRETO pulled down Victim-1's pants and said that he wanted to have intercourse with Victim-1. Victim-1 said no and pulled his pants up.

e. After being shown one of the July 2019 Photographs, Victim-1 stated that the individual depicted in the photograph was him. Victim-1 stated that he was a minor at the time the photograph was taken.

6. Based on my review of the July 2019 Photographs and my meeting with Victim-1, I believe the individual depicted in the July 2019 Photographs is Victim-1.

7. Based on my review of law enforcement records, I have learned that Victim-1 was born in 2004. Accordingly, he is a minor today and was a minor when Video-1 was created.

8. In or about September 2019, I interviewed a neighbor of MICHAEL BARRETO, the defendant ("Neighbor-1"). The neighbor told me that he had observed an individual matching the description of Victim-1 socializing with BARRETO and smoking marijuana, and going into and out of BARRETO's apartment. In or about September 2019, I interviewed another neighbor of BARRETO

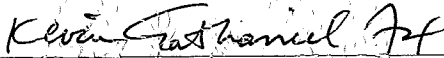
("Neighbor-2"), who also observed BARRETO and Victim-1 socializing and going into and out of BARRETO's apartment.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of MICHAEL BARRETO, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.



Julia Watson
Detective
New York Police Department

Sworn to before me this
30th day of September, 2019



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