

Approved:

N.S.B.
NICHOLAS S. BRADLEY
Assistant United States Attorney

Before: HONORABLE LISA MARGARET SMITH
United States Magistrate Judge
Southern District of New York

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	:	
UNITED STATES OF AMERICA	:	Violations of
	:	18 U.S.C. § 2422(b)
-v.-	:	
	:	COUNTY OF OFFENSE:
CHARLES HUSTIS,	:	PUTNAM
Defendant.	:	
----- x		

SOUTHERN DISTRICT OF NEW YORK, ss.:

PAO MEI FISHER, 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

Between at least on or about December 8, 2019 up to and including on or about December 16, 2019, in the Southern District of New York and elsewhere, CHARLES HUSTIS, the defendant, using facilities and means of interstate and foreign commerce, unlawfully, willfully, and knowingly persuaded, induced, and enticed, and attempted to persuade, induce, and entice, 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, CHARLES HUSTIS, the defendant, in communications over the internet, persuaded and attempted to persuade, induce, and entice a minor ("Victim-1") and later an undercover officer posing as Victim-1 to engage in sexual activities with HUSTIS.

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

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

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), assigned to the FBI Westchester Resident Agency. I have been a Special Agent with the FBI since January 2017. I have participated in investigations involving crimes against children, including the receipt, possession, and/or distribution of child pornography by electronic means, sexual exploitation, and enticement of minors. I have gained expertise in these areas through training and daily work related to conducting these types of investigations.

2. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement officers 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.

3. In or about December 2019, the FBI received information from the Putnam County Sheriff's Office regarding a report from a 16-year-old male minor ("Victim-1") that he had been contacted over Facebook Messenger by an individual with the Facebook account name of "Charles Hustis III." Victim-1 was familiar with CHARLES HUSTIS, the defendant, as he recalled HUSTIS served at one point as Victim-1's substitute teacher. The Putnam County Sheriff's Office advised the FBI that "Charles Hustis III" was engaging in sexually explicit communications with Victim-1 over Facebook Messenger.

4. I have reviewed records of the Facebook Messenger chats between Victim-1 and "Charles Hustis III." Between on or about December 8, 2019 and on or about December 9, 2019, "Charles Hustis III" initiated contact with Victim-1 over Facebook Messenger and stated, among other things, "[h]ey you are you" and "[h]ow's school year." Victim-1, among other things, responded "[i]t's going fine" and asked "Charles Hustis III" how his work was. "Charles Hustis III" then wrote "[d]oing good," and "[g]etting hit on by sugar daddies all the time . . . [a]t the store." "Charles Hustis III" also wrote to Victim-1 "[y]ou're cute" and indicated that he had seen Victim-1 running on Victim-1's school track team.

5. On or about December 10, 2019, "Charles Hustis III" wrote to Victim-1 "Are you a bottom" and "I'm a top." "Charles Hustis III" also asked the Victim-1 account "[w]hen are you free to hang out," and wrote "sexy boy." "Charles Hustis III" also asked Victim-1 "[h]ow old are you," to which Victim-1 responded "16." When asked by Victim-1 how old he was, "Charles Hustis III" responded "36." In subsequent communications, on or about December 11, 2019 and on or about December 12, 2019, "Charles Hustis III" asked Victim-1 over Facebook Messenger whether he wanted to apply for a job at the grocery store where "Charles Hustis III" claimed to work as a manager, stating "[w]e're hiring for cashier" and "[s]ince you are 16 you legally can't work grocery till you are 18."

6. On or about December 11, 2019, "Charles Hustis III" again asked Victim-1 over Facebook Messenger "[a]re you a bottom" and wrote "I need a bottom boy," and "[y]our tight ass turns me on . . . [a]nd your shorts too." "Charles Hustis III" also asked "[w]hat do you wear under your running shorts? I wear thongs." "Charles Hustis III" also requested that Victim-1 meet with him in person: "Can you meet me sat night at store around 930." When Victim-1 asked "Charles Hustis III" "what are we going to do?" "Charles Hustis III" responded "rimming and hot anal," followed by "I love to eat ass" and "I'm looking for a young bottom boy who serves his daddy's orders." "Charles Hustis III" also wrote "[h]ave you had the hots for me a while [Victim-1] . . . Just curious" and "[w]hat about me is hot," followed by "[d]o you wear jockstraps under your jeans" and "[s]o you've wanted me to fuck you for a while." "Charles Hustis III" also wrote to Victim-1 that "[y]ou are smoking hot" and "I wear thongs and g strings when I'm at work" before asking Victim-1 "[w]hen are you[r] free periods" and later writing "I'm looking to find a hot boy to serve me and settle down with" and "I hope that's you [Victim-1]." "Charles Hustis III" also wrote that same day to Victim-1 that "I'm free tomorrow before 12pm if you want to stop by and I'll suck you off." "Charles Hustis III" also messaged the Victim-1 account "[t]rack practice today"; "[i]n your hot shorts."

7. During the Facebook Messenger chats on or about December 11, 2019, Victim-1 asked "Charles Hustis III" to send pictures. In response, "Charles Hustis III" sent two pictures of what appear to be his penis, followed by a picture of a male's face, which as explained below I believe to be the face of CHARLES HUSTIS, the defendant. "Charles Hustis III" then

asked the Victim-1 account "[w]hen are your free periods" and to "[s]end pics of you."

8. During the Facebook Messenger chats on or about December 11, 2019, Victim-1 asked "Charles Hustis III" where he lives. "Charles Hustis III" provided the address of his apartment in the vicinity of Cold Spring, New York (the "Apartment"). I have reviewed reports from a law enforcement database that lists the Apartment in Cold Spring, New York as the residence for CHARLES HUSTIS, the defendant.

9. On or about December 12, 2019, I and other law enforcement officers interviewed Victim-1 regarding the Facebook Messenger communications with "Charles Hustis III." During this interview, Victim-1 confirmed that the picture of the male's face described above was CHARLES HUSTIS, the defendant. At the FBI's request, Victim-1 consented to providing his Facebook account credentials to me so that I could pose undercover as Victim-1 over Facebook Messenger in continued chats with "Charles Hustis III."

10. Posing undercover as Victim-1 over Facebook Messenger using Victim-1's Facebook account, I continued to engage in chats with "Charles Hustis III" between on or about December 12, 2019 and on or about December 16, 2019. These communications included text messages and pictures that were sent by "Charles Hustis III" to the Victim-1 account. In these communications, as well as the communications described above, "Charles Hustis III" acknowledged his understanding that Victim-1 was a minor and 16 years of age, solicited pictures of Victim-1, and described a variety of sexual acts he wanted to engage in with Victim-1. During the course of the communications, "Charles Hustis III" sent several photographs to Victim-1's Facebook account, which included the two pictures of a penis described above and several pictures of a male's face, which as described below, I believe to be CHARLES HUSTIS, the defendant.

11. Based on my involvement in this investigation, I have learned through public records and media reports that CHARLES HUSTIS, the defendant, was a former public official in Cold Spring, New York and a candidate for public office in Cold Spring. I have compared the photographs of HUSTIS from these media reports and believe them to be the same person as the male's face on the photographs sent by "Charles Hustis III" to Victim-1 over Facebook Messenger. One such photograph sent by "Charles Hustis III" to the Victim-1 account is identical to the

photograph publicly posted on a Facebook group supporting "Charles E. Hustis III" for Cold Spring public office.

12. During the Facebook Messenger chats between on or about December 12, 2019 and on or about December 16, 2019, "Charles Hustis III" sent multiple communications to the Victim-1 account (controlled by me, posing undercover as Victim-1) regarding an in-person meeting to engage in sexual activity. On or about December 12, 2019, "Charles Hustis III" wrote "[s]top by tomorrow morning night around 7 . . . [n]ight I mean."¹ When I, posing as Victim-1, wrote "[s]hould I bring anything," "Charles Hustis III" responded "[n]o we can get to know each other first and have fun at same time" and "I like to make this more than a one night stand." "Charles Hustis III" also told Victim-1 "[y]ou have to send pics to Dad," (which he appeared to correct to "Daddy") and "Dirty if you have it." Posing as Victim-1 undercover, I responded to the meeting request by writing that Saturday (December 14, 2019) would work better. On or about December 13, 2019, "Charles Hustis III" wrote that "[t]hen sat night would work," and "[a]t the store," followed by "[i]f you want to stop by and say hi to me so I can see your hot tight body." "Charles Hustis III" also wrote, "I like you a lot [Victim-1]"; "[m]y hot boy" and "[a] nice young hot gay boy," and "I'll make you a man," later stating "[t]here are a lot of gay bottom boys are there, but you caught my eye and I want to make you a man."

13. Based on my undercover conversations with "Charles Hustis III" over Facebook Messenger while posing as Victim-1, I know that "Charles Hustis III" sent the Victim-1 account a number of communications describing explicit sexual acts in advance of the planned in-person meeting. For example, on or about December 13, 2019, "Charles Hustis III" wrote to the Victim-1 account "[h]ave you sucked dick" and "[e]at ass," followed by "[y]ou will hvsve [sic] fun with mr Daddy" and "[a]ll that I ask is that you suck me when I want and you swallow my load." "Charles Hustis III" also agreed to get condoms and "anal lube" during the Facebook Messenger conversation. "Charles Hustis III" further wrote to Victim-1: "[l]et's begin by getting to know each other and when you are off from school I'll invite you to my place for fun." "Charles Hustis III" also

¹ "Charles Hustis III" also continued to ask whether Victim-1 wanted to apply for a job at the store "Charles Hustis III" said he manages, though as he confirmed to me (posing undercover as Victim-1) that he also wanted to engage in sexual activity with Victim-1 that was "more than a one night stand."

stated "I suck lot of cock and eat ass a lot" and "[y]oung guys are tasty."

14. On or about December 14, 2019, "Charles Hustis III" messaged the Victim-1 account over Facebook messenger, in part and in substance, that he needed to postpone the planned meeting because of his work schedule. In discussing plans for the meeting, "Charles Hustis III" wrote "I would feel safer if we did it in my place where no one sees" and "[b]ecause it's illegal to have sex with a minor" followed by "[a]t my apartment" and "[t]hat's safer"; "[l]et's hold off till I have my apt free," and "I want to play this by the letter of the law to protect both of us." "Charles Hustis III" later messaged that "[m]y apt is free Monday to Friday 930-1pm." Using the Victim-1 account, I responded "Hmm that's hard wit skool, but I do have free period Monday." "Charles Hustis III" reiterated that he "live[s] at the Apartment and asked when Victim-1 had a free period because he was "off Monday" (December 16, 2019).

15. Based on my undercover communications while posing as Victim-1 over Facebook Messenger, I know the "Charles Hustis III" agreed to meet in person at approximately 10:00 a.m. on December 16, 2019, which I described as Victim-1's "free period" at school. I communicated to "Charles Hustis III" that I (posing as Victim-1) would meet him in the parking lot of the grocery store where "Charles Hustis III" said he worked as a manager, which is located in the vicinity of Cold Spring, New York (the "Grocery Store"). "Charles Hustis III" agreed to then walk back together with Victim-1 to the Apartment, where he and Victim-1 would engage in sexual acts. On or about December 14, 2019, "Charles Hustis III" stated, among other things, in the Facebook Messenger chats to the Victim-1 account that "I'll talk you thru it and be slow with you" and "[i]f you can suck and swallow, I'll teach you the rest my boy." Additionally, on or about December 16, 2019, I, posing as Victim-1, asked whether "Charles Hustis III" was "wearin' anything special for me," to which "Charles Hustis III" responded, "Hot Thong" and "Black."

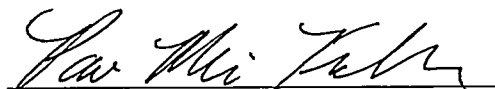
16. On or about December 16, 2019 at approximately 9:30 a.m., I and other law enforcement officers set up surveillance in the vicinity of the Grocery Store. At approximately 10:00 a.m., I and other law enforcement officers observed a male walking into the parking lot who I recognized as the same individual depicted in the photographs sent by "Charles Hustis III" to the Victim-1 account. I also recognized the male as the same individual photographed in the media reports and aforementioned Facebook group regarding the "Charles E Hustis

III" campaign for public office as CHARLES HUSTIS, the defendant.

17. Upon seeing CHARLES HUSTIS, the defendant, I and one other law enforcement officer approached HUSTIS and identified ourselves. HUSTIS confirmed both his identity and that he lives at the Apartment and later stated, in sum and in substance, that he was planning to meet with Victim-1 to engage in sexual activity, and that he was wearing a black thong to show to Victim-1. HUSTIS also admitted that he was the user of the "Charles Hustis III" Facebook account, and that it was HUSTIS who was sending the aforementioned communications to the Victim-1 account, including the pictures of his penis and his face.

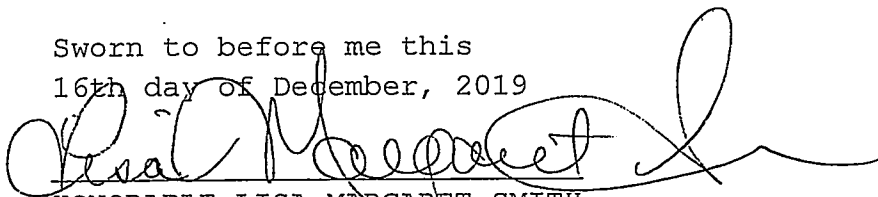
18. Based on the information described above, I believe CHARLES HUSTIS, the defendant, was the user of the "Charles Hustis III" account while communicating over Facebook Messenger, first with Victim-1 and then myself posing undercover as Victim-1, and that the purpose of HUSTIS's Facebook Messenger communications and subsequent meeting at the Grocery Store parking lot was to persuade and entice Victim-1, a 16-year-old minor, to engage in sexual activity.

WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed as the case may be.



PAO MEI FISHER
Special Agent
Federal Bureau of Investigation

Sworn to before me this
16th day of December, 2019



HONORABLE LISA MARGARET SMITH
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK