

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA :
 :
 - v. - :
 :
 JESUS CONCEPCION, :
 a/k/a "MR. C.," :
 :
 Defendant. :
 :
----- X

INDICTMENT

21 Cr.

21 CRIM 479

COUNT ONE

(Enticement of Minor Victim-1 to Engage in Illegal Sexual Activity)

The Grand Jury charges:

OVERVIEW

1. JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, was a music teacher and orchestra instructor at a particular public charter middle school located in the Bronx, New York ("School-1") from in or about 2000 up to and including in or about 2007.

2. At various times, JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, was a music teacher and orchestra instructor for four of his students ("Minor Victim-1," "Minor Victim-2," "Minor Victim-3," and "Minor Victim-4" and together the "Minor Victims"). From at least in or about 2002, through at least in or about 2007, CONCEPCION abused his position as a teacher by inducing the four Minor Victims to engage in sexual relationships with him.

3. Minor Victim-1 attended School-1 from in or about 1999

to in or about 2003, when she was approximately 10 to 13 years old.

4. Minor Victim-2 attended School-1 from in or about 1999 to in or about 2003, when she was approximately 10 to 14 years old.

5. Minor Victim-3 attended School-1 from in or about 1997 to in or about 2001 when she was approximately 9 to 13 years old. Between in or about 2003 and in or about 2005, while Minor Victim-3 was a high school student and was approximately 15 to 17 years old, Minor Victim-3 worked at School-1 as a tutor.

6. Minor Victim-4 attended School-1 from in or about 2001 to in or about 2005, when she was approximately 9 to 13 years old.

7. JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, singled out the Minor Victims for personal attention, he gave them money, clothing, jewelry, and other gifts, and he provided them with alcohol.

8. In addition to providing the Minor Victims with gifts and special attention, JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, induced several of the Minor Victims to engage in sexual activity with him by leading them to believe they were in a romantic relationship with him.

9. JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, also provided each of the Minor Victims with a cellphone so that they could communicate with him without their parents' knowledge.

CONCEPCION called, texted, and emailed with the Minor Victims on the cellphones he provided and other devices to maintain their "relationships" and to arrange sexual encounters.

10. JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, engaged in sexual intercourse with the Minor Victims in various locations, including in School-1's music room, in the back room of School-1's auditorium, in his car, at motels, at his residences, and, after some of the Minor Victims left School-1, at their out-of-state high schools.

11. On numerous occasions, JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, transported the Minor Victims from School-1 or other locations in the Bronx to motels in New Jersey. The motels usually had a central office, with a row of rooms each accessible from the parking lot. CONCEPCION generally instructed each Minor Victim to remain in his car while he secured a room. He then returned to the car to retrieve the Minor Victim and bring her into a motel room where they would have sex. On at least one occasion, CONCEPCION had sexual intercourse with Minor Victim-3 in a New Jersey motel against her will.

12. JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, continued his sexual relationship with Minor Victim-1 and Minor Victim-2 after they graduated from School-1. For example:

a. In or about late 2003 or early 2004, JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, visited Minor Victim-1—who was

then approximately 14 years old and a high school freshman—at an out-of-state high school. During that trip, CONCEPCION engaged in sexual intercourse with Minor Victim-1 in his vehicle.

b. In or about late 2003 or early 2004, JESUS CONCEPCION, a/k/a “Mr. C.,” the defendant, visited Minor Victim-2—who was then approximately 14 years old and a high school freshman—at an out-of-state high school. During that trip, CONCEPCION engaged in sexual intercourse with Minor Victim-2 in his vehicle.

13. In or about January and February 2004, JESUS CONCEPCION, a/k/a “Mr. C.,” the defendant, instructed Minor Victim-3 to take naked photographs of herself and to send them to him. CONCEPCION directed Minor Victim-3 how to pose, to touch herself in a sexually explicit manner, and to photograph her genitalia. Minor Victim-3 took and sent the photographs to CONCEPCION using the silver Sanyo phone he had provided.

14. JESUS CONCEPCION, a/k/a “Mr. C.,” the defendant, attempted to induce Minor Victim-4 to take sexually explicit photographs. When Minor Victim-4 resisted, CONCEPCION showed Minor Victim-4 the photographs sent to him by Minor Victim-3 and told Minor Victim-4 that these were the sort of photographs CONCEPCION sought.

STATUTORY ALLEGATIONS

15. From at least in or about 2002, up to and including at least in or about 2004, in the Southern District of New York, and

elsewhere, JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, knowingly used 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 sexual activity for which a person can be charged with a criminal offense, to wit, on numerous occasions CONCEPCION used a phone, computer, and the Internet to persuade, induce, and entice Minor Victim-1, who was less than 15 years old at the time, to engage in sexual acts with him.

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

COUNT TWO

(Enticement of Minor Victim-2 to Engage in Illegal Sexual Activity)

The Grand Jury further charges:

16. The allegations contained in paragraphs 1 through 14 of this Indictment are repeated and realleged as if fully set forth within.

17. From at least in or about 2003, up to and including at least in or about 2007, in the Southern District of New York, and elsewhere, JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, knowingly used 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 sexual activity for which a person can be charged with a criminal offense, to wit,

on numerous occasions CONCEPCION used a phone, computer, and the Internet to persuade, induce, and entice Minor Victim-2, who was less than 18 years old at the time, to engage in sexual acts with him.

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

COUNT THREE

(Enticement of Minor Victim-3 to Engage in Illegal Sexual Activity)

The Grand Jury further charges:

18. The allegations contained in paragraphs 1 through 14 of this Indictment are repeated and realleged as if fully set forth within.

19. From at least in or about 2003, up to and including at least in or about 2005, in the Southern District of New York, and elsewhere, JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, knowingly used 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 sexual activity for which a person can be charged with a criminal offense, to wit, on numerous occasions CONCEPCION used a phone, computer, and the Internet to persuade, induce, and entice Minor Victim-3, who was less than 18 years old at the time, to engage in sexual acts with him.

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

COUNT FOUR

(Enticement of Minor Victim-4 to Engage in Illegal Sexual Activity)

The Grand Jury further charges:

20. The allegations contained in paragraphs 1 through 14 of this Indictment are repeated and realleged as if fully set forth within.

21. From at least in or about 2004, up to and including at least in or about 2005, in the Southern District of New York, and elsewhere, JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, knowingly used 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 sexual activity for which a person can be charged with a criminal offense, to wit, on numerous occasions CONCEPCION used a phone, computer, and the Internet to persuade, induce, and entice Minor Victim-4, who was less than 14 years old at the time, to engage in sexual acts with him.

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

COUNT FIVE

(Transportation of Minor Victim-1 with Intent to Engage in Sexual Activity)

The Grand Jury further charges:

22. The allegations contained in paragraphs 1 through 14 of this Indictment are repeated and realleged as if fully set forth

within.

23. In the Southern District of New York and elsewhere, JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, knowingly did transport an individual who had not attained the age of 18 years in interstate commerce with the intent that the individual engage in sexual activity for which any person can be charged with a criminal offense, to wit, in or about late 2003 and early 2004, CONCEPCION transported Minor Victim-1—who was then approximately 12 years old and in the seventh grade—from the Bronx, New York to a motel in New Jersey where he engaged in illegal sexual activity with Minor Victim-1.

(Title 18, United States Code, Section 2423(a) and 2.)

COUNT SIX

(Transportation of Minor Victim-2 with Intent to Engage in Sexual Activity)

The Grand Jury further charges:

24. The allegations contained in paragraphs 1 through 14 of this Indictment are repeated and realleged as if fully set forth within.

25. In the Southern District of New York and elsewhere, JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, knowingly did transport an individual who had not attained the age of 18 years in interstate commerce with the intent that the individual engage in sexual activity for which any person can be charged with a criminal

offense, to wit, in or about June 2003, CONCEPCION transported Minor Victim-2—who was then approximately 14 years old and in the eighth grade—from the Bronx, New York to a motel in New Jersey and engaged in illegal sexual activity with Minor Victim-2.

(Title 18, United States Code, Section 2423(a) and 2.)

COUNT SEVEN

(Transportation of Minor Victim-3 with Intent to Engage in Sexual Activity)

The Grand Jury further charges:

26. The allegations contained in paragraphs 1 through 14 of this Indictment are repeated and realleged as if fully set forth within.

27. In the Southern District of New York and elsewhere, JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, knowingly did transport an individual who had not attained the age of 18 years in interstate commerce with the intent that the individual engage in sexual activity for which any person can be charged with a criminal offense, to wit, in or about January and February 2004, CONCEPCION transported Minor Victim-3—who was then approximately 16 years old and in high school—from the Bronx, New York to a motel in New Jersey and engaged in illegal sexual activity with Minor Victim-3 against her will.

(Title 18, United States Code, Section 2423(a) and 2.)

COUNT EIGHT

(Transportation of Minor Victim-4 with Intent to Engage in Sexual Activity)

The Grand Jury further charges:

28. The allegations contained in paragraphs 1 through 14 of this Indictment are repeated and realleged as if fully set forth within.

29. In in the Southern District of New York and elsewhere, JESUS CONCEPCION, a/k/a "Mr. C.," the defendant, knowingly did transport an individual who had not attained the age of 18 years in interstate commerce with the intent that the individual engage in sexual activity for which any person can be charged with a criminal offense, to wit, in or about the Summer of 2004, CONCEPCION transported Minor Victim-4—who was then approximately 13 years old and in the eighth grade—from the Bronx, New York to a motel in New Jersey and engaged in illegal sexual activity with Minor Victim-4.

(Title 18, United States Code, Section 2423(a) and 2.)

COUNT NINE

(Sexual Exploitation of a Child)

The Grand Jury further charges:

30. The allegations contained in paragraphs 1 through 14 of this Indictment are repeated and realleged as if fully set forth within.

31. From at least in or about January 2004 up to and including in or about February 2004, in the Southern District of New York and elsewhere, JESUS CONCEPCION, a/k/a "Mr. C.," 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, 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, CONCEPCION induced Minor Victim-3, who was then approximately 16 years old and who was in the Bronx, New York, to take photographs of herself engaging in sexually explicit conduct and to send such photographs to him via text message.

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

FORFEITURE ALLEGATIONS

32. As a result of committing the offenses alleged in Counts One through Eight of this Indictment, JESUS CONCEPCION, a/k/a "MR.

C.," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2428, any and all property, real and personal, constituting or derived from proceeds obtained, directly or indirectly, as a result of said offense; and any and all property, real or personal, that was used or intended to be used to commit or facilitation the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

As a result of committing the offense alleged in Count Nine of this Indictment, JESUS CONCEPCION, a/k/a "MR. C.," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, any and all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from said offense and any and all property, real or personal, used or intended to be used to commit or promote the commission of said offense or traceable to such property, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

Substitute Assets Provision

33. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a) cannot be located upon the exercise of due diligence;


- b) has been transferred or sold to, or deposited with, a third person;
- c) has been placed beyond the jurisdiction of the Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 2428;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



F/REPERSON

AUDREY STRAUSS
United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

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Defendant.


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(18 U.S.C. §§ 2422(b), 2423(a),
2251(a), (e), and 2.)

AUDREY STRAUSS

United States Attorney

 Foreperson
