

Approved:



Jennifer N. Ong/Marcia S. Cohen
Assistant United States Attorneys

22mj4691

Before: HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

- - - - - x COMPLAINT

	:	
UNITED STATES OF AMERICA	:	Violation of
	:	18 U.S.C. §§ 2251(a)
-v.-	:	and 2422(b)
	:	
TONG HYON SUH,	:	COUNTY OF OFFESE:
a/k/a "Jason Suh,"	:	WESTCHESTER COUNTY
	:	
Defendant.	:	
- - - - -	x	

SOUTHERN DISTRICT OF NEW YORK, ss.:

MATTHEW TUNNEY, being duly sworn, deposes and says that he is a Task Force Officer with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE

Between at least on or about April 24, 2022 up to and including on or about May 27, 2022, in the Southern District of New York and elsewhere, TONG HYON SUH, a/k/a "Jason Suh," the defendant, knowingly attempted to 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 the defendant knew and had reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in or affecting interstate and foreign commerce and mailed, and the visual depiction would be 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, TONG HYON SUH, a/k/a "Jason Suh," the defendant, attempted to

entice an individual he believed to be a 14-year old girl to meet him to engage in sexually explicit conduct for the purpose of producing videos of such conduct.

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

COUNT TWO

Between at least on or about April 24, 2022 up to and including on or about May 27, 2022, in the Southern District of New York and elsewhere, TONG HYON SUH, a/k/a "Jason Suh," the defendant, knowingly, using facilities and means of interstate and foreign commerce, 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, TONG HYON SUH, a/k/a "Jason Suh," the defendant, in communications over the internet and phone, attempted to persuade an individual he believed to be a 14-year-old girl to meet him for the purpose of engaging in sexual activities.

(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 an investigator with the Putnam County Sheriff's Office ("PCSO") and a Task Force Officer with the Federal Bureau of Investigation ("FBI"), currently assigned to the FBI's Field Office in Westchester County, New York. I have been a Task Force Officer with the FBI since October 2020. I have participated in numerous 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 agents 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. Based on my conversations with a detective ("Detective-1") with the Greenwich Police Department ("GPD"), I am aware of the following:

a. Beginning on or about April 24, 2022, Detective-1, who was posing as a 14-year-old girl named "Megan," communicated via Kik with an individual using the Kik user name "suhjason." During these communications, "suhjason" identified himself as a 45-year-old Korean male living in New York City and indicated that he wanted to meet with "Megan" for the purpose of having sex.

b. Between on or about April 24, 2022 and on or about May 27, 2022, Detective-1 communicated via Kik with "suhjason."

4. Detective-1 provided me with copies of his Kik communications with "suhjason," and I have reviewed them. Based on my review of these communications, I am aware of the following, in substance and in part:

a. During communications on or about April 24, 2022 and April 25, 2022, "Megan" told "suhjason" that she was a 14-year-old female from Connecticut.

b. On or about April 25, 2022, "suhjason" asked "Megan" what she liked about "older guys" and told "Megan" that he "find[s] the age gap hot tbh." Additionally, "suhjason" said, "Yeah tbh on the down low I want a young submissive slut" and "Tbh I would destroy your pussy [Winky Face Emoji]." "Suhjason" also said, "Ok I am korean. Nice part is we can go out and I can pretend you are my daughter" and "we can go lots of places to fuck . . ." During these communications, "Suhjason" requested pictures from "Megan." For example, he told her, "So sneak in a bathroom break pic. I love a good slut."

c. During communications on or about April 25, 2022, "suhjason" sent "Megan" a photo ("Photo-1") that shows a male outdoors from the neck up with trees in the background. "Suhjason" sent another photo ("Photo-2") to "Megan" with a message stating, "So you know I am real." Photo-2 is a photo of

the same male who appears in Photo-1. In Photo-2, the male appears to be in a bathroom and he is shirtless, from the chest up.

d. In communications on or about April 26, 2022, "suhjason" and "Megan" discussed meeting in person. "Suhjason" told "Megan," "I can destroy your pussy on the [weekend]" and then asked "How long g is she gone on the weekend? Only your mom is around?" After "Megan" responded with her mom's schedule, "suhjason" told her, "Cool. That can work out well, but I have to be able to be sure you are legit." Later, "suhjason" asked "Megan" for some "slutty pics" that she could "delete after taking."

e. During the communications with "Megan," "suhjason" referenced other teenage girls that he has been with. For example, "suhjason" said: "Last few teens I fucked all had tonpay for was some weed I already was gonna smoke lol."

f. During communications on or about April 27, 2022, "suhjason" again asked "Megan" for pictures. He said, "Ok, I want you to keep being sneaky. I like it but I want to see more slut pics" and "Daily reminder to show off as a slut for me."

g. On or about April 28, 2022, "suhjason" told "Megan" that he was between apartments and staying at a hotel. He sent "Megan" a photo of a male ("Photo-3") with a skyline in the background with a message saying "where I am staying rn." The male in Photo-3 appears to be the same male as the male in Photo-1 and Photo-2.

h. On or about May 2, 2022, "suhjason" told "Megan" that he wanted to film them engaging in sexual acts and continued to request pictures. For example, he said, "Yeah while I fuck another girl as I make you cum," "I wantto make a video when I do that to you," "Show me some slut pics and do your job btw," and "I also want to see a peak at that pussy."

5. Based on my conversations with Detective-1, I know that GPD detectives were able to identify the buildings in the background of Photo-3. Based on this identification, they determined that "suhjason" appeared to be staying at a hotel located on Northern Boulevard in Flushing, New York ("Hotel-1").

6. Based on my conversations with Detective-1 and my review of the Kik communications, I am aware that, on or about May 20, 2022, "suhjason" asked to speak on the phone with "Megan." Detective-1 provided "suhjason" with a phone number.

7. On or about May 20, 2022, "suhjason" called the number Detective-1 had provided from a telephone number ending in 7789 (the "7789 Number"). An FBI Special Agent acting in an undercover capacity ("UC-1") posed as "Megan" and spoke to "suhjason." This phone call was recorded and I have listened to the recording. During this phone call, "suhjason" identified himself as both "Daddy" and "Jason." During the call, "suhjason" and UC-1 discussed the fact that "Megan" was a freshman in high school. "Suhjason" stated, in substance and in part, that he was born in 1977, is a New York attorney with an office in the Bronx, and has been a lawyer since he was 26 years old. During this call, "suhjason" told "Megan," among other things, that he wanted to "fuck your little pussy" and "I'm going to fill you up with cum." He also said that he was scouting out locations so that they could meet and engage in sexual acts.

8. On or about May 24, 2022, "suhjason" and UC-1, posing as "Megan," engaged in another telephone call. This call was recorded and I have listened to it. During this call, "suhjason" and UC-1 discussed meeting on Thursday, May 26, 2022. "Suhjason" said that he would rent a residence and take the train to Greenwich, Connecticut. He said that he would use a ride service to pick "Megan" up at her house, and then they would travel together to the rented residence, where they would engage in sexual activity and smoke marihuana. Among other things, "suhjason" said that "as soon as the doors close you're sucking my dick," "I'm going to keep drilling that little pussy," and "we'll record our own little porno, it'll be fun." During the conversation, UC-1 requested that "suhjason" bring condoms, lollipops and marijuana, and wear a suit. "Suhjason" agreed that he would do so. During this call, UC-1 gave "suhjason" an address in Greenwich, Connecticut ("Address-1") and told him that "Megan" lived in an apartment located at Address-1. "Suhjason" told "Megan" that he would pick her up at Address-1.

9. Based on my conversations with Detective-1 and my review of Detective-1's Kik communications with "suhjason," I know the following:

a. After the May 24, 2022 phone call, "suhjason" told "Megan" that they should meet on Friday, May 27, 2022. Additionally, "suhjason" said that he and "Megan" would use a ride service to go to the residence he rented in Stamford, Connecticut.

b. On or about May 25, 2022, "suhjason" told "Megan" that he had booked a residence for Friday and he sent "Megan" the link to the online booking profile of the place he rented. The profile provided by "suhjason" revealed that place he selected was a condominium in a multi-unit residential building in Stamford, Connecticut.

10. On or about May 26, 2022, "suhjason" and UC-1, posing as "Megan," engaged in another recorded telephone call. During this call, "suhjason" confirmed the details of the meeting on Friday, May 27, 2022.

11. Based on my review of records from Kik, I am aware that the Kik account with the user name "suhjason" is registered to a "Jason S." with an email address of suhjason@aol.com and that this account was accessed from various IP addresses, including several IP addresses registered to Verizon Wireless.

12. Based on my review of Verizon Wireless records, I am aware that at least three of the IP addresses that accessed the account with the user name "suhjason" are associated with the 7789 Number.

13. Based on my review of records from Charter Communications, I am aware that another IP address that accessed the account with the user name "suhjason" is associated with the address of Hotel-1.

14. I have reviewed records from the New York State Department of Motor Vehicles for "TONG HYON SUH" who has a birthdate in March 1977. These records include a photograph of "TONG HYON SUH." The photograph of "TONG HYON SUH" depicts the same individual who appears Photo-1, Photo-2 and Photo-3.

15. Based on my review of a public database for New York attorney registration information, I know that a "TONG-HYON SUH" is registered as an active attorney in New York with a business address in the Bronx and an email address,

"jasonsuhesq@gmail.com." Additionally, the database indicates that "TONG-HYON SUH" was admitted to the New York bar on or about November 19, 2003. Based on a March 1977 birthdate, "TONG-HYON SUH," would have been approximately 26 years old at the time of his bar admission.

16. On or about May 26, 2022, the Honorable Paul E. Davison signed a warrant authorizing the retrieval of prospective cellsite location information from Verizon Wireless for the 7789 Number. Based on my review of the Verizon Wireless records received pursuant to this warrant, I am aware that, between 2:36 p.m. and 3:31 p.m. on May 27, 2022, the 7789 Number traveled from Grand Central Station in New York, New York to Greenwich, Connecticut, passing through various towns in Westchester County, New York including Mount Vernon, Pelham, Rye and Harrison.

17. Based on my conversations with UC-1, I am aware that, on or about May 27, 2022, at approximately 2:39 p.m., the 7789 Number texted the phone number "suhjason" had been using to contact UC-1. He wrote, "Heading up wyd?" and "Omw." At approximately 3:24 p.m., the 7789 Number texted, "About 10 minutes away" and, at 3:28 p.m., "Greenwich next."

18. On May 27, 2022, GPD detectives, assisted by the FBI, conducted surveillance in the area of the Greenwich Metro North Station in Greenwich, Connecticut. Based on my conversations with an FBI agent ("Agent-1") who was assisting with the surveillance, I am aware that, at approximately 3:31 p.m., law enforcement officers observed TONG HYON SUH, a/k/a "Jason Suh," the defendant, arrive at the station on a northbound Metro North train. The officers were able to identify SUH because he looked like the individual in Photo-1, Photo-2 and Photo-3. SUH was wearing a suit and carrying a black briefcase and a red and white shopping bag. Law enforcement observed SUH enter the rear passenger seat of a black Toyota Highlander and depart the train station.

19. Based on my conversations with Detective-1, I am aware that, at approximately 3:50 p.m., while Detective-1 and other law enforcement officers were conducting surveillance in the vicinity of Address-1, Detective-1 observed TONG HYON SUH, a/k/a "Jason Suh," the defendant, arrive outside Address-1 in a black Toyota Highlander. SUH entered the building located at Address-1, where GPD detectives arrested him.

20. Based on my conversations with Detective-1, I am aware that, subsequent to his arrest, GPD detectives searched the person of TONG HYON SUH, a/k/a "Jason Suh," the defendant, and recovered a black cellphone. Based on my conversations with Detective-1, I am also aware that, when the defendant exited the black Toyota Highlander, he left the black briefcase and the red and white bag in the vehicle. Following the defendant's arrest, GPD detectives retrieved the briefcase and bag and inventoried them. The inventoried items included a laptop computer, a thumbdrive, sneakers, matches, marijuana, toiletries, clothing, an unopened package of lollipops, and six condoms.

21. Based on my conversations with Detective-1, I am aware that bail has been preliminarily set for TONG HYON SUH, a/k/a "Jason Suh," the defendant, in the amount of \$1,000,000 and that he will be charged in Stamford Superior Court on Tuesday, May 31, 2022. Based on my conversations with Detective-1, I understand that, in advance of the Tuesday proceeding, there will be a proceeding in Greenwich local court on Sunday, May 29, 2022 at which time bail will be determined.

WHEREFORE, deponent prays that the TONG HYON SUH, a/k/a

"Jason Suh," the defendant, be arrested and imprisoned or bailed as the case may be.

~~/s/ Matthew Tunney (known to Court)~~ (via Microsoft Teams)
MATTHEW TUNNEY
FBI Task Force Officer
Federal Bureau of Investigation

Sworn to before me through the transmission of this Complaint by reliable electronic means, pursuant to Federal Rule of Criminal Procedure 4.1 this 28th day of May, 2022

A handwritten signature in black ink, appearing to read 'P. E. Davison', with a long horizontal line extending to the right.

HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York