

Marcia S. Cohen

Approved:

Marcia S. Cohen
Assistant United States Attorney

Before: HONORABLE ANDREW E. KRAUSE
United States Magistrate Judge
Southern District of New York

----- x COMPLAINT 22ms4709

UNITED STATES OF AMERICA : Violation of

-v.- : 18 U.S.C. §§ 2422(b)

BRIAN REED, : and 2260A

: COUNTY OF OFFENSE:

: Rockland County

Defendant.

----- x

SOUTHERN DISTRICT OF NEW YORK, ss.:

ERICA C. BUONOCORE, 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 on or about May 25, 2022 up to and including on or about May 26, 2022, in the Southern District of New York and elsewhere, BRIAN REED, 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, BRIAN REED, the defendant, in communications over the internet and phone, attempted to persuade an individual acting in an undercover capacity and posing as a 13-year-old girl to meet the defendant for the purpose of engaging in sexual activities.

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

COUNT TWO

Between on or about May 25, 2022 up to and including on or about May 26, 2022, in the Southern District of New York and elsewhere, BRIAN REED, the defendant, being required by Federal and other law to register as a sex offender, committed a felony offense involving a minor under Title 18, United States Code, Section 2422, to wit, the violation of Title 18, United States Code, Section 2422(b) charged in Count One of this Complaint.

(Title 18, United States Code, Sections 2260A.)

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 Westchester County Safe Streets Task Force. 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 an investigator ("Investigator-1") with the Rockland County District Attorney's Office ("RCDA"), I am aware that, on May 25, 2022 and May 26, 2022, Investigator-1, who was working in an undercover capacity and posing as a 13-year-old girl on an online platform, engaged in text communications with an individual using a telephone number ending in 2782 ("2782-Number") who identified himself as "Brian." During these communications, Investigator-1 told Brian that she was 13 years old. "Brian" asked Investigator-1 for

sexually explicit photos and indicated that he wanted to meet with her for the purpose of having sex.

4. RCDA provided me with copies of Investigator-1's communications with "Brian" and I have reviewed them. Based on my review of the communications on May 25, 2022 between the 2782-Number and Investigator-1, I am aware of the following, in substance and in part:

a. At approximately 11:31 a.m., "Brian" texted and said, "Hey its brian." At 11:32, "Brian" transmitted a photo ("Photo-1") to Invesgigator-1. The photo shows a male from the neck up. The male is wearing glasses and a blue shirt.

b. At approximately 11:41 a.m. on May 25, 2022, "Brian" asked, "Can you send any nudes or pics in your underwear" Investigator-1 told him, "maybe when I get to know u a lil lol." Investigator-1 asked, "wyd." "Brian" said, "Just laying in my bed how bout you" and "I just masturbated." Investigator-1 said, "just layin in bed too," and Brian asked, "You dont have school." Investigator-1 said, "no im sick rn" and "school sucks tho." "Brian" said "Aww feel better" and "I wished we were having sex in your bed."

c. At 11:51 a.m. on May 25, 2022, "Brian" asked "Is your pussy really tight." Investigator-1 asked, "how would i kno." "Brian" responded, "If its hard to stick your fingers in it."

d. At 11:53 a.m. on May 25, 2022, "Brian" asked, "Want to talk on the phone." Investigator-1 said, "we can this week" and "my aunt is home rn."

e. At 11:55 a.m. on May 25, 2022, "Brian" said that he lived in a "boarding house atm." When Investigator-1 asked "wuts tht lol," "Brian" said "A motel" and "So its just 1 room."

f. During the communications on May 25, 2022, Investigator-1 told "Brian" that she lived in Rockland County, New York. "Brian" said that he lived in "Sussex im about an hour away from you" and said he was a "Cashier at dollar tree." At approximately 12:02 p.m., "Brian" asked "Is there any way you can come to my place." Investigator-1 responded, "ummm i cant drive tho lol." Investigator-1 asked, "could u come here lol." "Brian" said "yes." Investigator-1 asked, "what would we do tho

lol." "Brian" said, "Have sex kiss and we can watch movies." Investigator-1 said, "i dont wanna get pregnant tho.." "Brian" responded, "I will pull out i dont cum during sex" and "I only cum during a blowjob." Investigator-1 said, "i dont want my aunt to kno lol" and "Brian" responded, "Just say your hanging out with friends." At approximately 12:15 p.m., Investigator-1 asked, "u sure ur ok w my age." "Brian" responded, "Yes of course." Investigator-1 asked, "u never had sex w a 13 yr old." "Brian" responded, "No." At approximately 12:22 p.m., Investigator-1 told "Brian" that "im a virgin still" and "Brian" responded, "Thats ok."

g. At 1:20 p.m. on May 25, 2022, "Brian" asked, "When do you want to get together" and suggested, "How bout next week sometime." "Brian" said, "I can pick you up after i get out of work at night." When Investigator-1 asked, "How woukd i kno its u," "Brian" said, "I will text you i have a red car." Investigator-1 said, "We jusr gotta make sure my aunt doesnt know shell kill me lol." "Brian" said, "If you want we can have sex in my car somewhere near you." At approximately 1:31 p.m., "Brian" said, "How bout tonight we can fuck when i get out of work." Investigator-1 said, "maybeee can i let u kno in a lil :)" and "Im neevous lol." At 1:38 p.m., "Brian" asked, "Dont you want to have sex me i have a nice cock for you." At approximately 1:39 p.m., "Brian" said "My dick hold on" and transmitted a photo of a penis ("Photo-2"). "Brian" said, "Im not that hard right now but it gets bigger." At 1:44 p.m., Investigator-1 said, "Im scared its gonna hurt." "Brian" responded, "It wont." At 2:06 p.m., "Brian" asked, "Can you take any nudes." Investigator-1 responded, "i kno girls in my school who pics got leaked lol" and "im only 13 i dont wanna get in troublr lol."

h. At approximately 9:31 p.m. on May 25, 2022, "Brian" told Investigator-1 that he wanted to speak by phone. At 10:30 p.m., Investigator-1 said "U wanns call now." At 11:09 p.m., Investigator-1 received a call from the 2782-Number that lasted approximately 29 minutes and 57 seconds. At 11:25 p.m., Investigator-1 received a second call from the 2782-Number that lasted approximately 14 minutes and 51 seconds. At 11:26 p.m., Brian messaged Investigator-1 and said, "Hey your voice is so cute and sexy 😍😍." Investigator-1 responded, "Awww lol thanks." "Brian" said, "Your welcome i want to make love to it lol." At 11:42 p.m., Investigator-1 said, "I gotta go to sleep." "Brian" responded, "Ok good night sweet dreams cutie mwahh 😘."

5. Based on my communications with Investigator-1 and my review of the communication logs, I am aware that, on May 25, 2022 at approximately 10:30 p.m., Investigator-1 participated in two telephone calls with the 2782-Number. The calls were recorded and I have listened to them. The first call lasted approximately 30 minutes and the second call lasted approximately 14 minutes. Based on my review of the recorded calls, I am aware of the following, in substance and in part:

a. "Brian" asked how Investigator-1 was feeling and she said she was feeling better. "Brian" told her that he could not really come during the day because of work. Investigator-1 asked what time he got out of work. "Brian" said he didn't get out until 9:30 p.m. and then wouldn't be able to get there until about 11 p.m. He asked if she would still be awake at that time and Investigator-1 said she was not too sure. "Brian" asked, "I guess you can't sneak out" and said he didn't want her to get in trouble.

b. During the call, "Brian" said he wanted to do "sex and kissing" with Investigator-1. They discussed where they could hang out because there would not be enough time for "Brian" to bring her back his place. They discussed hanging out in either the park or a hotel. "Brian" asked, "You still want to have sex though right?" Investigator-1 said she did want to have sex but that she was nervous and asked, "What is it like?" "Brian" said that it was "hard to describe it" and that it "feels good." "Brian" told her that he liked "doggy, missionary" stye and asked if she knew what those were. She said she had heard of them. He also said that he "liked 69 the best" and asked if she knew what that was. He explained that he liked "eating pussy" and that she would "suck my dick while I'm eating you out." Investigator-1 asked if it was okay that she had never done it before and he said "of course."

c. "Brian" said that he could meet her tomorrow night but that he wouldn't be able to get there until about 11 p.m. He said he didn't want her to "get in trouble or anything." Investigator-1 said that she would say she was hanging out at her friend's house. "Brian" told her that she had a "really cute voice."

d. Investigator-1 asked that "since it is my first time, do you mind if we use a condom." "Brian" said that he

doesn't "cum during sex" and that she could "suck his dick" and he could "eat her out." "Brian" said it felt better without condoms and that he wouldn't "cum in [her] I promise." She asked him to "bring one just in case." Investigator-1 asked, "You don't care that I've never done this before" and "Brian" said, "Of course not." He asked, "But you want to right?" She said that she was just nervous.

e. "Brian" said that he hadn't received the nude pics that she said she sent. He said that he just wanted to see what her body looked like. She told him that she would see him tomorrow. He asked for some "teaser pics."

f. Investigator-1 asked if he had ever been with someone her age. He said no. She said she didn't want any "drama," didn't want to get in trouble and didn't want him to get him in trouble. She reminded him that she was "only 13." He told her that "it will be fun I promise" and that "it doesn't hurt." He told her that he liked "blow jobs better than sex."

g. "Brian" said he was kind of overweight and asked if she cared. She said she didn't. "Brian" referred to Photo-2 and said that his penis gets bigger than it looked in the photo. "Brian" told her that he was always horny.

h. "Brian" and Investigator-1 discussed their plan to meet the following night. "Brian" said that he would shower before coming to meet her and that he wanted to pick her up, but not at her house because he didn't want her aunt to get suspicious. He asked if she could walk to the park and they could meet there. He asked if they could have sex in the park. When she suggested a hotel, he said that he didn't have "that much money right now." "Brian" asked her if there were "cops" in the park. Investigator-1 told him that her friends had gone there with their boyfriends and hadn't had trouble. She told him that there was a baseball dugout in the park and he said that would be a "perfect spot."

i. "Brian" said he was excited to meet her and that he could "teach [her] some things." "Brian" said maybe she would want to try "anal" one day. He asked, "Would you be interested in that?" She said, "I have to try the real thing first." He said, "It is the real thing. It's just like a different hole." He said, "You don't have to do it tomorrow but maybe next time."

j. "Brian" asked if he should bring lube. He said he would bring a condom and the condom would have lube on it.

k. The call abruptly ended after about 30 minutes and "Brian" called back. He apologized that he had gotten cut off. "Brian" told her that, if she had a friend, he could "fuck you and a friend." She said her friends were all her age, like 13 or 14 and would that be okay. He said that "would be fun" but that she didn't have to. They discussed the fact that it wouldn't happen tomorrow but could happen in the future. He asked, "Would you be into that or would it be too weird?" He said, "I always wanted to have a threesome but never had a chance." She told him that they could see how "tomorrow goes" and then ask her friend. "Brian" said that his "ultimate fantasy" was to have "one girl sucking his dick" and "one girl sucking his balls."

l. Investigator-1 told "Brian" that she was embarrassed by her body because she didn't have a "lot on top" because of her age. He told her, "it is okay."

m. During the call, "Brian" said her voice was "so cute." "Brian" told her that she should go to school tomorrow because he couldn't see her until the night.

n. "Brian" told her to text him with the address of the park and he would put it in his GPS. They agreed to meet at the dugout in the park. She said that she could walk there and walk home after they met. She asked him to bring a condom and he said he would get one tomorrow. She said that she heard you get really thirsty after sex and suggested that he bring her a blue sports drink. He agreed.

6. Based on my review of the communications between Investigator-1 and "Brian" on May 26, 2022, I am aware of the following, in substance and in part:

a. At 10:03 a.m., "Brian" asked, "How is it looking tonight are we able to see each other." Investigator-1 replied, "Ya tonibht works cause i didnt realize im off from skool tomorrow." At approximately 11:01 a.m., "Brian" said, "So we will meet at the park around 11" and "I just need the address." Investigator-1 said that "Ill send u it in a lil." At approximately 11:22 a.m., "Brian" said, "Ok sounds good babe you are so hot i cant wait to make love to you."

b. At approximately 11:30 a.m., "Brian" said, "Im going to make you moan so loud you are going to feel amazing i can wait to finally be inside you" and "You should wear something thats easy to take off." At 11:55 a.m., "Brian" said, "Is it ok if we dont use a condom i will cum in your mouth if thats ok."

c. At approximately 7:48 p.m., Investigator-1 texted "Brian" with the address of the park ("Meeting Spot").

d. At approximately 7:56 p.m., "Brian" said, "OK thanks im an hour and 7 minutes away from there." Investigator-1 said "Okkkk."

e. At approximately 8:59 p.m., Investigator-1 asked, "When do u thnk ull leave." At 9:01 p.m., "Brian" said, "Around 10 or so i will call you." "Brian" told her that he had to still buy the sports drink, gas and condoms and wash up.

f. At approximately 9:30 p.m., "Brian" texted Investigator-1 and told her that he had gotten the sports drink, condoms and was now getting gas.

7. Based on my communications with Investigator-1 and my review of the communication logs, I am aware that, on May 26, 2022, Investigator-1 participated in a telephone call with the 2782-Number at approximately 9:49 p.m. The call was recorded and I have listened to the recording. Based on my review of the recording, I am aware of the following, in substance and in part:

a. "Brian" and Investigator-1 confirmed that they would meet that evening. "Brian" said that he would be driving a red car and he asked if there was parking near the field. Investigator-1 said that he could park right next to the dugout. He asked her if she wanted to meet him at her car. She said she would wait for him at the dugout and wave to him from the dugout when he arrived.

b. Investigator-1 asked "Brian" what he wanted her to wear. He told her to wear "something that's like easy to take off."

c. During the call, "Brian" said that he would leave around 10 p.m. and that he would call her when he was leaving.

8. Based on my conversations with Investigator-1 and my review of the communications logs, I am aware that, between 10:15 p.m. and 11:23 p.m., the 2782-Number and Investigator-1 engaged in the following communications, in substance and in part:

a. At approximately 10:15 p.m., "Brian" said he would be there in an hour and 19 minutes.

b. At approximately 11:01 p.m., "Brian" said, "Im 26 minutes away."

c. At approximately 11:18 p.m., Investigator-1 asked, "Wut kind of car u drivin." At approximately 11:19 p.m., "Brian" responded at 11:19, "Red hyundai."

d. At approximately 11:21 p.m., Investigator-1 said, "Im here." "Brian" responded, "Ok 9 minutes." At approximately 11:22 p.m., Investigator-1 said, "Okkk im by the bleachers ull see me." At 11:23, Brian said, "Ok."

9. Based on my communications with Investigator-1 and my review of the communication logs, I am aware that, on May 26, 2022 at approximately 11:33 p.m. Investigator-1 participated in telephone call with the 2782-Number. The call lasted approximately 5 minutes and was recorded. I have listened to the recording. During this call, "Brian" indicated that he was lost and Investigator-1 directed him to the correct parking lot. At the conclusion of the call, "Brian" said, "Oh I see you now."

10. Based on my conversations with a federal task force officer ("TFO-1") who assisted RCDA on the evening of May 26, 2022, I understand that TFO-1 and other law enforcement officers conducted surveillance in the area of the Meeting Spot on the evening of May 26, 2022. At approximately 11:35 p.m., law enforcement officers observed a red Hyundai approach the parking area closest to the Meeting Spot and park.

11. Based on my conversations with Investigator-1, I am aware that Investigator-1 was at the Meeting Spot on the evening of May 26, 2022. At approximately 11:35 p.m., she observed a vehicle approach the area of the Meeting Place and park.

Thereafter, an individual, later identified as BRIAN REED, the defendant, exited the vehicle and began to approach the Meeting Place on foot. As REED, the defendant, walked towards Investigator-1, law enforcement officers with RCDA placed him under arrest.

12. Based on my conversations with Investigator-1, I am aware that law enforcement officers searched the person of BRIAN REED, the defendant, subsequent to his arrest and recovered, among other things, condoms and a blue sports drink.

13. Based on my conversations with TFO-1, I am aware that, following the arrest of BRIAN REED, the defendant, REED was interviewed and TFO-1 participated in the interview. During the interview, REED admitted, among other things, that he communicated with an individual he believed was 13 years old and made a plan to meet her so that he could have sex with her. In addition, REED stated that he had been convicted of a sex offense and was a registered sex offender.

14. Based on my conversations with TFO-1, I am aware that, on May 27, 2022, BRIAN REED, the defendant, was charged in Clarkstown Justice Court with Attempted Rape in the 2nd Degree and Disseminating Indecent material to minors, and was detained on this charge.

15. I have reviewed records from the New Jersey State Department of Motor Vehicles for BRIAN REED, the defendant, with a birthdate in August 1988. The records include several photos of BRIAN REED, the defendant. These photos depict the same individual who appears in Photo-1.

16. I have reviewed New Jersey criminal records relating to BRIAN REED, the defendant. These records reveal that, on October 17, 2016, REED was convicted in Morris County Superior Court, New Jersey, of Endangering the Welfare of a Child Through Sexual Conduct and sentenced to three years' imprisonment. In addition, the records reflect that BRIAN REED, the defendant, was required to register as a sex offender upon his release from prison. The criminal records for BRIAN REED, the defendant, include a photograph which depicts the same individual as the

individual who appears in Photo-1.

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



ERICA C. BUONOCORE
Special Agent
Federal Bureau of Investigation

Sworn to before me this
31st day of May, 2022



HONORABLE ANDREW E. KRAUSE
United States Magistrate Judge
Southern District of New York