

Approved: Marcia S. Cohen
Marcia S. Cohen
Assistant United States Attorney

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

- - - - - x COMPLAINT 22MJ4836
:
UNITED STATES OF AMERICA : Violation of
:
-v.- : 18 U.S.C. 2422(b)
:
THOMAS RIVERA, : County of Offense:
:
Dutchess County
:
Defendant.
- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

Nicholas Caparco, 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 in or about February 2022 up to and including on or about April 3, 2022, in the Southern District of New York and elsewhere, THOMAS RIVERA, the defendant, knowingly, using facilities and means of interstate and foreign commerce, persuaded, induced, and enticed 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, RIVERA, the defendant, in communications over the internet and phone, persuaded a 13-year-old girl ("Victim-1") to meet him in Dutchess County, New York 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 a detective with the Town of Poughkeepsie Police Department ("TPPD") and a Task Force Officer with the Federal Bureau of Investigation ("FBI"), currently assigned to the FBI's Field Office in Hudson Valley, New York. I have been a Task Force Officer with the FBI since July 2020. 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 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 at TPPD ("Detective-1"), I am aware that, on or about April 3, 2022, at approximately 4:50 p.m., TPPD received a report from the Town of Hyde Park Police Department concerning a 13-year-old girl being raped by a subject named "Thomas" at a hotel ("Hotel-1") in the Town of Poughkeepsie. Based on my conversations with Detective-1 and my review of TPPD reports, I am aware that TPPD officers were dispatched to Hotel-1. Upon their arrival, they determined that a "Thomas Rivera" was staying in a particular room ("Room-1") and they went to Room-1. A male, later identified as THOMAS RIVERA, the defendant, opened the door and was detained. At the time of the TPPD officers' arrival at Room-1, the door to the bathroom in Room-1 was closed and locked. When TPPD officers knocked on the door, a child ("Victim-1") was found in the bathroom. Victim-1 was wearing a t-shirt and no pants, was crying and holding a cellphone. Victim-1 advised the TPPD detectives that she was 13 years old and that THOMAS RIVERA, the defendant, had attempted to rape her.

4. On or about May 3, 2022, a Special Agent of the FBI ("Agent-1") met with Victim-1. Based on my conversations with Agent-1, I am aware that Victim-1, who is 13 years old and was

born in February 2009, stated the following, in substance and in part:

a. Victim-1 met THOMAS RIVERA, the defendant, online in or about February 2022, while playing an online video game ("Game-1").

b. After initially speaking on Game-1, they would communicate *via* various gaming apps and social media platforms, including Discord and Snapchat. On Snapchat, Victim-1's username was Apendix Bunny.

c. Victim-1 told RIVERA that she was 14 years old and in middle school. RIVERA told her that he was 31 years old and would be turning 32 in March.

d. RIVERA repeatedly asked Victim-1 to take and send him nude photos of herself. Victim-1 might have sent him inappropriate photos.

e. RIVERA asked if Victim-1 had had sex yet and Victim-1 told him that she was too young.

f. A few weeks before RIVERA travelled to New York to see Victim-1, RIVERA told her that he was going to come and see her. RIVERA asked Victim-1 to meet him in front of her house and said that he would be in front of an Uber car.

g. On the day of their meeting, Victim-1 packed a bag and went, on foot, to meet him.

h. When they were in the hotel room, RIVERA told Victim-1 to lie on the bed with him. He pulled her pants off and put his mouth on her rib cage. She could feel his penis pressing against her.

5. Based on my conversations with Detective-1, I am aware that, at the time of his arrest on April 3, 2022, RIVERA possessed a phone ("Phone-1"), which was seized. On April 8, 2022, TPPD obtained a search warrant for Phone-1.

6. On May 5, 2022, the Honorable Paul E. Davison, United States Magistrate Judge for the Southern District of New York, signed a search warrant authorizing the search of Phone-1 for evidence of violations of Title 18, United States Code, Sections

2251(a) (sexual exploitation), 2252A (offenses related to child pornography), and 2422(b) (coercion and enticement).

7. I have reviewed material extracted from Phone-1 by a Special Agent of the FBI trained in the forensic examination of digital evidence ("Agent-2"). The material I have reviewed includes the following, in substance and in part:

a. There are numerous messages exchanged via Snapchat from in or about February 23, 2022 up to in or about April 3, 2022 between a user with the Snapchat name "TJ Rivera" and a user with the Snapchat name "Apendix Bunny."

b. On March 22, 2022 at approximately 6:02 p.m., TJ Rivera wrote, "What if I said....," "I could maybe...." and "See you when I go on my trip?" At approximately 6:03 p.m., Apendix Bunny replied, "No way- your kidding!!" TJ Rivera replied, "...well we need to plan somethings...but I think I can do it."

c. On March 27, 2022 at approximately 6:28 p.m., TJ Rivera said, "I mean...there is no way for me to get back the same day there is no train the same day going back....so I have to get a hotel and go back the next day." TJ Rivera added, "I just wish you could run away for the day and stay with me all night :(" In response, Apendix Bunny said that, if she did it, she would get in a lot of trouble "[b]ut I wouldn't care." TJ Rivera said, "So then you'll do it? You'll run away for a day, stay the night with me? Think about it...we could cuddle all night." He added, "I mean....we'd probably be busy doing other stuff all night but..." At approximately 6:38 p.m., TJ Rivera said, "I can't miss this opportunity to see you, I'll be too close to not see you..." Apendix Bunny replied, "😭😭😭😭 Alpha~...please...its too much to handle..." TJ Rivera said, "If you say that this Sunday when I'm inside you...I'll keep going anyway..."

d. On March 27, 2022, at approximately 6:47 p.m., TJ Rivera said, "I mean just imagine...you grab my head and just force it between your legs and say eat my fucking pussy right now. And keep holding my head down there don't let me come back up...I mean you might like it.."

e. On March 27, 2022, at approximately 6:48 p.m., TJ Rivera said, "Don't worry we can try all kinds of things" and "I'll find what you like best."

f. On March 27, 2022, at approximately 6:49 p.m., TJ Rivera said, "I keep thinking I'm gonna be scared..and scared what you'll think when you see me...but idk you make me feel comfortable..." He continued, "I wanted to wait to see you until I get in better shape but...if youre not scared away when I'm this size...I'll know even more how much you care about me and being with me." At approximately 6:54 p.m., he added, "And if anything we're to happen...to me, to you, to us...if anything came between us...at least I know I had that 1 night I spent with you..."

g. On March 28, 2022 at approximately 8:05 a.m., TJ Rivera and Apendix Bunny discussed their upcoming meeting and TJ Rivera said that "I guess we're both gonna learn how many times we can cum in a single night."

h. On March 29, 2022 at approximately 11:20 a.m., TJ Rivera asked if she ate lunch at school and said, "My middle school didn't have the best food but my high school basically had a subway in it, a pizza shop, a full salad bar and a 'main' meal and you could pick what you wanted." He added, "It'll probably be like that for you too next year" and "High schools tend to have better food."

i. On April 3, 2022 at approximately 11:58 a.m., TJ Rivera said, "Don't disappear I want to call you when I get off the train" and asked, "Are you excited?" At 12:01 p.m., TJ Rivera asked, "Did you pack a bag yet?" At 12:43 p.m., TJ Rivera said, "I'm calling in about 10 minutes."

8. Based on my conversations with Detective-1 and my review of TPPD reports, I am aware that, on April 3, 2022, TPPD officers transported THOMAS RIVERA, the defendant, from Hotel-1 to TPPD, where he was interviewed by TPPD detectives. The interview was recorded and I have reviewed the recording. During the interview, RIVERA stated, in substance and in part, that he met Victim-1 online playing games about two months ago, that they began speaking daily via voice calls and text, and that they discussed sex during these conversations. Further, RIVERA stated that he lives in Florida, had travelled to Pennsylvania to see his family, and then, from Pennsylvania, had travelled to New York to see Victim-1. According to Rivera, Victim-1 told him that she wanted to have sex with him when they met in person.

9. Based on my conversations with Detective-1 and my review of TPPD reports, I am aware that THOMAS RIVERA, the defendant, was charged in Town of Poughkeepsie Justice Court with Endangering the Welfare of a Child and Sexual Abuse in the Second Degree, and was released on bail.

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

/s/ Nicholas Caparco
(by AEK, with permission)

Nicholas Caparco
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 3rd day of June, 2022 **[by FaceTime]**



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