

ORIGINAL

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

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

18 MAG 3814

----- x	<u>COMPLAINT</u>
UNITED STATES OF AMERICA :	
- v - :	Violation of
	18 U.S.C. §
	2252A(a) (1)
LIZANDRA RIOS, :	
Defendant :	COUNTY OF OFFENSE
----- x	WESTCHESTER &
	NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

KEVIN GONYO, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation and charges as follows:

Count One
(Transportation of Child Pornography)

1. On or about March 31, 2015, in the Southern District of New York and elsewhere, LIZANDRA RIOS, the defendant, knowingly did mail, ship and transport using a means and facility of interstate and foreign commerce by any means, including by computer, child pornography, to wit, LIZANDRA RIOS texted a video containing child pornography to various recipients, including a recipient in New York, New York.

(Title 18, United States Code, Sections 2252A(a) (1) and 2)

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

2. I am a Special Agent with the Federal Bureau of Investigations ("FBI"). I have been employed by the FBI for approximately two years, and am currently assigned to the FBI's Westchester Resident Agency, where I investigate violations of criminal law relating to a range of crimes, including crimes involving the sexual exploitation of children. I have gained expertise in this area through training in classes and work related to conducting these types of investigations. 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 April 2018, I attended several proffers of an individual ("Individual-1") at the United States Attorney's Office for the Southern District in New York in White Plains, New York. During the proffers, Individual-1 provided information pertaining to an unrelated investigation. During the proffers, Individual-1 indicated that he currently lives in Manhattan and has lived in Manhattan since at least 2011. During the proffers, Individual-1 provided details concerning his work history and the fact that he had worked at various businesses in "the City" since at least 2006. I understood his reference to "the City" to be a reference to Manhattan.

4. On or about April 11, 2018, while in White Plains, New York, Individual-1 provided the FBI with his personal cellphone and provided written consent for the FBI to search the phone. FBI personnel in Westchester County, New York then extracted the contents of the cellphone onto an FBI computer. Once the extraction was complete, the device was returned to Individual-1.

5. On or about May 4, 2018, while searching the extraction of the cellphone, I discovered a text conversation between Individual-1 and a telephone number ending in 5325 (the "5325-Phone"). In the conversation, the 5325-Phone sent Individual-1 a text stating, "Don't call DYFS on me... but this is a throw back! Lol!!!" In the text message, the 5325-Phone included a 28-second video ("Video-1"). Based on my training and experience, I believe that "DYFS" refers to the Division of Youth and Family Services in New Jersey, currently known as the NJ Department of Child Protection and Permanency.

6. Video-1 depicts an adult woman's hand rubbing, grasping and massaging the vagina of a female baby who is wearing what appears to be a pink and white striped shirt and a white bib. The baby is naked below her belly button. The baby is laying on her back. Her face and body is visible to the camera. In Video-1, a female voice can be heard and the female appears to be talking to the baby while rubbing, grasping and massaging her vagina. The female voice makes cooing and babytalk sounds. She also says, "That's a fat toto," and says, multiple times, "That's Mommy's fat toto." The female also says, "Give me the fat toto" multiple times. At the end of Video-1, the female says, "You like, you fucker." Metadata from Video-1 indicates that Video-1 was created with an iPhone 5S in Montclair, New Jersey on or about June 20, 2014.

7. After locating Video-1 and ascertaining its metadata, the FBI ceased the search of the extraction of Individual-1's cellphone. On May 4, 2018, Magistrate Judge Davison approved a search warrant authorizing a search of the extraction for evidence of activities relating to material constituting or containing child pornography.

8. Following the authorization of the search of the extraction, I resumed my review of the extraction. The extraction reveals that:

- a. Individual-1's phone identifies the 5325-Phone as "Liza Rios."

- b. Video-1 was sent by the 5325-Phone on March 31, 2015 at approximately 1:19 p.m. to five recipients simultaneously, including Individual-1, via a Group Text.
- c. The 5325-Phone shared Video-1 simultaneously with the five recipients, stating, "Don't call DYFS on me... but this is a throw back! Lol!!!"
- d. A recipient with a telephone number ending in 0450 ("Recipient-0450") responded at 1:21 p.m., "I am afraid to open this!!!!"
- e. The 5325-Phone responded at 1:21 p.m., "Yessss be very afraid !!!!" The 5325-Phone, at 1:34 p.m., texted, "Damn I just looked at it... It soooo bad."
- f. Thereafter, at 1:38 p.m., Recipient-0450 texted, "I deleted it... couldn't go there! Lol."
- g. The 5325-Phone responded at 1:39 p.m., "I think it's cute... Whatever" and included a winking emoticon. At 1:39 p.m., the 5325-Phone added, "You guys are too conservative for me lol."
- h. At approximately 1:45 p.m., Individual-1 transmitted a photo of his face to the group. Individual-1 then texted, "That was me seeing baby toto. My poor gay eyes." Individual-1 added, "Yo, you are so effin Rican, Liza!"
- i. At 1:46 p.m., the 5325-Phone responded, "That's right! I still be smackin that shit! Why not? It's mine! Lol"

9. According to searches I have performed on Google as well as my conversations with other agents, I am aware that the term "toto" can be used as a slang word for vagina.

10. The extraction of Individual-1's phone also reveals that on or about June 25, 2017, the 5325-Phone sent Individual-1 a video ("Video-2") by text. Video-2, which is approximately 31 seconds, depicts a female wearing a white t-shirt and blue jean shorts and a red flower in her hair.

11. Based on my review of the extraction of Individual-1's cellphone, I believe that Individual-1 was at work in Manhattan when Individual-1 received Video-1 from the 5325-Phone. The extraction reveals that, on March 31, 2015 at approximately 9:20 a.m., Individual-1 sent a text to a telephone number ending in 3805 ("Number-3805") stating, "Love, forgot to leave you cash. Can you pic it up tonight or come by and grab it from me at work or if you have chase or citi I can send it to you that way." Later that day, at 10:44 a.m., Number-3805 texted Individual-1 asking, "Can the leftover food in fridge be consumed and/or tossed." Individual-1 responded at 10:48 a.m., "Depends what. There is a chicken breast and turkey dillo [sic] can be consumed. Mashed potatoes too. Not sure of the rest. But either way, eat it of [sic] dump it. We are eating out tonight and tomorrow."

12. I have reviewed records obtained from AT&T concerning the 5325-Phone. These records indicate that the subscriber of the phone is "Lizandra Rios" with an address in West New York, New Jersey ("Address-1"). The records indicate that "Lizandra Rios" has been a customer of AT&T since January 19, 2008.

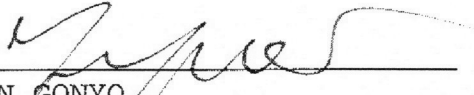
13. I have reviewed a public Facebook page that appears to belong to LIZANDRA RIOS, the defendant. The name on the Facebook page is "Lizandra Rios." On the Facebook page, there are numerous photos of a woman who appears to be the same woman depicted in Video-2. There is an excerpt of Video-2 on the Facebook page.

14. I have reviewed property records from the Town of West New York, New Jersey. These records indicate that a "Lizandra Rios" owns Address-1.

15. I have reviewed records obtained from the New Jersey Department of Motor Vehicles relating to LIZANDRA RIOS, the defendant, which reflect that RIOS resides at Address-1. The records include a photograph of LIZANDRA RIOS, the defendant. The photograph of LIZANDRA RIOS, the defendant, depicts the same individual who appears in Video-2 and on the Facebook page described above.

16. This morning, I and other Special Agents of the FBI approached LIZANDRA RIOS, the defendant, in West New York, New Jersey and questioned her concerning Video-1. RIOS acknowledged that she created Video-1 and that she sent Video-1 to various recipients. At approximately 1:10 p.m., I placed LIZANDRA RIOS, the defendant, under arrest.

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



KEVIN GONYO
Special Agent
Federal Bureau of Investigation

Sworn to before me this
7th day of May, 2018



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK