

EAG:NS
F. #2020R000275

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

DONNELL RUSSELL,
also known as "Don Russell" and
"Colon Dunn,"

Defendant.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

SYLVETTE REYNOSO, being duly sworn, deposes and states that she is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

On or about and between November 2018 and February 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DONNELL RUSSELL, also known as "Don Russell" and "Colon Dunn," together with others, did knowingly and intentionally use (i) the mail, (ii) an interactive computer service, electronic communication service and electronic communication system of interstate commerce, and (iii) a facility of interstate commerce to engage in a course of conduct that caused, attempted to cause and would reasonably be expected to cause substantial emotional distress to Jane Doe, an individual whose identity is known to the Affiant, and an immediate

TO BE FILED UNDER SEAL

**AFFIDAVIT IN SUPPORT
OF ARREST WARRANT**

(18 U.S.C. §§ 2261A(2), 2261(b)(5), 2
and 3551 et seq.)

Docket No. 20-MJ-239

family member of Jane Doe, with the intent to harass and intimidate Jane Doe and an immediate family member of Jane Doe.

(Title 18, United States Code, Sections 2261A(2), 2261(b)(5), 2 and 3551 et seq.)

The source of your deponent's information and the grounds for her belief are as follows:¹

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), and have been since 2008. I am currently assigned to HSI's New York Office and, more specifically, to a squad that investigates human trafficking and alien smuggling matters. I am responsible for conducting and assisting in investigations into the activities of individuals and criminal groups responsible for sex and human trafficking and related offenses. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. As described herein, following a civil law suit filed by Jane Doe, an individual whose identity is known to the Affiant, against Robert Kelly, also known as "R. Kelly," the defendant DONNELL RUSSELL, also known as "Don Russell" and "Colon Dunn," together with others, engaged in a course of conduct designed to harass and intimidate Jane Doe by, among other things, threatening to reveal potentially embarrassing

¹ Because the purpose of this Affidavit is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

photographs of Jane Doe and to publicly reveal Jane Doe's sexual history if Jane Doe did not withdraw her lawsuit against Kelly.

I. BACKGROUND

3. The U.S. Attorney's Office for the Eastern District of New York and the Department of Homeland Security, Homeland Security Investigations, New York Field Office (collectively, "the government") are investigating Robert Sylvester Kelly, also known as "R. Kelly," (hereinafter, "Kelly") and others for their participation in a racketeering enterprise involving bribery, the production of child pornography, transportation of women and girls across state lines to engage in illegal sexual activity, including sexual contact with individuals who were too young to consent to such activity under state law and failure to notify sexual partners of a sexually transmitted disease prior to engaging in sexual intercourse in violation of state law, and related substantive offenses; and for arranging for travel in interstate commerce with intent to promote, manage, establish, and carry on an extortion, in violation of state law.

4. On December 5, 2019, a grand jury in the Eastern District of New York returned a Second Superseding Indictment (the "Indictment")² charging Kelly with racketeering involving predicate racketeering acts related to six individuals, whose identities are known to the Affiant, including Jane Doe, and four Mann Act violations related to Jane Doe. See 19-CR-286 (AMD), ECF Docket No. 30. The Mann Act violations related to Jane

² The original indictment was returned on June 20, 2019. The First Superseding Indictment was returned on July 10, 2019. Kelly was arrested by HSI agents in Chicago, Illinois on July 11, 2019.

Doe are also charged as Racketeering Acts in the Indictment. Kelly is also charged with forced labor of Jane Doe, in violation of 18 U.S.C. § 1589(a), as a racketeering act.

The Enterprise

5. For more than three decades, Kelly, with the assistance of members of his inner circle and his employees, including Employee #1, Employee #2, Employee #3 and Employee #4, whose identities are known to the Affiant, has produced musical albums and performed throughout the United States and abroad under the name R. Kelly. In or about 2014, RSK Enterprises LLC, a Delaware limited liability company with its principal place of business in Chicago, Illinois, was incorporated. RSK Enterprises LLC worked exclusively with Kelly, who sang and produced records under the name R. Kelly, and contracted out Kelly's performances.

6. Kelly and members of his inner circle comprised an enterprise (the "Enterprise") within the meaning of 18 U.S.C. § 1961(4). That is, the Enterprise, including its leadership, membership and associates constituted a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate and foreign commerce. The Enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise.

7. The principal purposes of the Enterprise were to promote R. Kelly's music and the R. Kelly brand and to recruit women and girls to engage in illegal sexual activity with Kelly. By promoting R. Kelly's music and the R. Kelly brand, the members of the Enterprise expected to receive financial opportunities and personal benefits, including increased power and status within the Enterprise.

8. In connection with the Enterprise, Kelly and other members of the Enterprise traveled throughout the United States and abroad to perform at concert venues and promote the R. Kelly brand. Through that activity, and as described below, Kelly and members of the Enterprise have encountered and recruited women and girls to travel across state lines to engage in sexual activity with Kelly and Kelly regularly video recorded his sexual encounters with these women and girls.

9. The Enterprise employed tour buses and Mercedes Sprinters to transport Kelly and other members of the Enterprise, among others, to perform at R. Kelly concerts throughout the country.

10. When Kelly attended or performed at concerts and other events, Kelly and/or members of the Enterprise on Kelly's behalf invited women and girls backstage and to other events following Kelly's live performances. These women and girls were often offered wristbands that signified that they were authorized to attend an event. There, Kelly relied upon members of the Enterprise to ensure that only those authorized to attend were allowed at the event and to manage the flow of women and girls who were directly interacting with Kelly.

11. When Kelly identified a woman or girl who he wished to see again, he either gave his contact information to the woman or girl or obtained their contact information or relied upon members of the Enterprise to do so. Following these events, Kelly communicated with certain of these women and girls by telephone, including traditional telephone calls, text messages, iMessages, and FaceTime. As part of this communication, Kelly often requested the women and girls to provide him with photographs of themselves.

12. Kelly and other members of the Enterprise also arranged for the women and girls to travel to see Kelly on occasion, including at concerts throughout the United States and related events. To facilitate their travel, Kelly directed the women and girls to contact a member of the Enterprise, who then arranged travel for the women and girls. When the women and girls arrived at the lodging, which was typically selected by a member of the Enterprise, a member of the Enterprise usually provided them with instructions. In addition, members of the Enterprise took steps to ensure that the women and girls did not interact with other women and girls whom Kelly planned to see. Members of the Enterprise then arranged for the women and girls to attend his concerts and positioned them such that Kelly could see them during his concerts.

13. Several witnesses have advised that Kelly promulgated numerous rules that many of his sexual partners were required to follow, including the following:

- a. The women and girls were not permitted to leave their room without receiving permission from Kelly, including to eat or go to the bathroom;
- b. The women and girls were required to wear baggy clothing when they were not accompanying Kelly to an event or unless otherwise instructed by Kelly;
- c. The women and girls were not permitted to look at other men and instead were told to keep their heads down; and
- d. The women and girls were required to call Kelly "Daddy."

14. The Enterprise operated within the Eastern District of New York and elsewhere, including overseas.

15. Among the means and methods by which Kelly and his associates participated in the conduct of the affairs of the Enterprise were the following:

- a. Promoting, enhancing and protecting the Enterprise by committing, attempting, and aiding and abetting the commission of, crimes, and conspiring to commit crimes, including but not limited to engaging in sexual activity with girls under 18 years old, engaging in and facilitating sexual activity without disclosing a sexually transmitted disease Kelly had contracted, producing child pornography, bribery and extortion;
- b. Demanding absolute commitment to Kelly and not tolerating dissent;
- c. Obtaining sensitive information about members and associates of the Enterprise in order to maintain control over them;
- d. Recruiting and grooming sexual partners for Kelly; and
- e. Isolating associates and others from friends and family and making them dependent on Kelly for their financial wellbeing.

Criminal Activity Related to Jane Doe by Kelly

16. Jane Doe has advised the following, in sum, substance and in part:³

- a. In or about March 2017, Jane Doe met Kelly following a Kelly concert in Texas when Jane Doe was 19 years old. Specifically, Jane Doe met Kelly after she obtained a “wristband” that permitted her to go to an “after party” following an R. Kelly concert in San Antonio, Texas. When she met Kelly at the after party, Kelly gave her his telephone number and she eventually sent the number a text message and they started to

³ As described further below, Jane Doe has filed a civil lawsuit in New York State court against Kelly. Information provided by Jane Doe has been corroborated in part by information provided by other witnesses and other records obtained by subpoena.

regularly communicate by telephone including by text message and telephone calls, including FaceTime calls.

b. At Kelly's request, Jane Doe contacted Employee #1 to arrange travel from Texas, where she lived, to New York, where R. Kelly was scheduled to perform a concert.⁴ Employee #1 thereafter arranged Jane Doe's travel and advised her that her airline ticket and hotel would be directly paid for and certain miscellaneous expenses associated with the travel that she incurred would be reimbursed. Jane Doe then traveled from Texas to

⁴ Based on records obtained by subpoena and information provided by witnesses, including Employee #1 and Employee #2, Employee #1 worked for several years as an assistant to Kelly and frequently handled travel arrangements for women who traveled to see Kelly at Kelly's request. Southwest Airlines records show that Jane Doe traveled from San Antonio, Texas to Nashville at 7:15 a.m. on May 18, 2017 and then from Nashville to LaGuardia Airport in Queens, New York on a flight departing at 10 a.m. the same day. Southwest Airlines records further show that Jane Doe traveled on a flight from LaGuardia Airport to San Antonio on May 20, 2017 at 5 p.m.

In addition, Jane Doe provided copies of text message exchanges in her possession between Jane Doe and Employee #1 to the government. One such exchange indicates that at approximately 9:20 a.m. on May 18, 2017, Jane Doe sent Employee #1 a text message stating "Just landed in Nashville. . . . Do you know what the plan for when I arrive?" Thereafter, Employee #1 sent a text message to Jane Doe stating "When you land, your destination is: Hilton Long Island Huntington[,] 598 Broad Hollow Road Melville, NY 11747 . . . A room under your name at the Hilton for 2 nights[.]" After arriving at the hotel, Jane Doe sent a text message to Employee #1 stating "I'm here checking in they don't see anything under my name." Employee #1 then texted Jane Doe, "Can you ask them to look up my name? Your name may be with mine." Jane Doe agreed to do so and later texted Employee #1, "I checked into the room." Thereafter, Employee #1 texted Jane Doe to let her know that "there is a show tonight starting at 8 pm" and later added "I'll let you know what time to head to the venue. Standby for address... Venue: Theatre At Westbury 960 Brush Hollow Road Westbury, NY 11590" Employee #1 thereafter sent a text message to Jane Doe #6 indicating that she would "request an Uber" for Jane Doe to take her to the venue.

On May 18, 2017, Kelly performed a concert at NYCB Theatre at Westbury, located at 960 Brush Hollow Road in Westbury, New York. Records from the Hilton Hotel on Long Island show that two rooms were reserved under Employee #1's name for May 18, 2017 and May 19, 2017.

New York and took a car service to the hotel designated by Employee #1 in Long Island, New York.

c. When Jane Doe arrived at the hotel, Employee #1 instructed her to be ready at a particular time. At or near the time Employee #1 had told her, Jane Doe was transported to the concert venue for an R. Kelly concert. Following the concert, she returned to the hotel.

d. At approximately 6:00 a.m., Kelly unexpectedly arrived at Jane Doe's room and loudly announced his presence; with him was a backpack, which appeared to contain at least one iPad. Jane Doe allowed Kelly to enter her hotel room and Kelly eventually engaged in sexual intercourse with Jane Doe in the hotel room. Kelly did not wear a condom. Prior to this encounter, Kelly did not mention to Jane Doe that he had contracted herpes, a sexually transmitted disease.

e. During the encounter in the hotel room in Long Island, Kelly told Jane Doe, in sum and substance, that if she was really 15 or 16 years old, she could tell Kelly. Jane Doe told Kelly she was 19 and offered to show him her driver's license. Following the trip to Long Island, Jane Doe continued to communicate with Kelly by phone and text messages.

f. Jane Doe next traveled to Chicago, Illinois, to see Kelly in June 2017.⁵ As with her trip to Long Island, Employee #1 booked her travel and instructed her

⁵ Text messages between Jane Doe and Employee #1, which Jane Doe provided to the government, indicate that Employee #1 booked Jane Doe on a flight departing San Antonio, Texas at 7:05 p.m. on June 14, 2017 to Chicago, Illinois. Records from Southwest Airlines show that Jane Doe was booked on a return flight from Chicago, Illinois to San Antonio, Texas on June 16, 2017 at 12:10 p.m. The payment records for the ticket purchase reference Employee #1's email address.

when she should be ready. Jane Doe stayed at the Homewood Suites and was later brought to a recording studio to see Kelly. During that visit to the studio, Kelly pulled out his penis and directed Jane Doe's head onto his penis such that she could perform oral sex on him.

Following the trip to Chicago, Jane Doe continued to communicate with Kelly.

g. Jane Doe next travelled to see Kelly in December 2017 in Dallas, Texas, where he had a concert, and Kelly again had sex with her.⁶ While together in Dallas, Kelly told Jane Doe, in substance, he was residing with multiple women, including some who had been living with him since they were 15 years old, and that he liked Jane Doe because she reminded him of those women. Kelly next arranged for Jane Doe to travel to Los Angeles to see him in January 2018.⁷ During this trip, Jane Doe went to a recording

⁶ Text messages between Jane Doe and Employee #1, which Jane Doe provided to the government, indicate that Employee #1 booked Jane Doe on a Southwest Airlines flight departing San Antonio, Texas at 1:15 p.m. on December 1, 2017 to Dallas, Texas. A copy of an electronic boarding pass provided by Jane Doe to the government indicates that she flew from Dallas, Texas back to San Antonio on Southwest Airlines flight 3592 on December 3, 2017 at 4 p.m. Records from Southwest Airlines confirm that Jane Doe was booked on a flight from San Antonio to Dallas on December 1, 2017 at 1:15 p.m. and a return flight from Dallas to San Antonio on December 3, 2017 at 4 p.m. The payment records for the ticket purchase reference Employee #1's email address. Jane Doe recalled staying at the Statler Hotel in Dallas during this trip. Records from the Statler Hotel in Dallas indicate that Employee #1 of RSK Enterprises booked a room at the hotel from December 1, 2017 to December 6, 2017, with Jane Doe indicated as a listed guest for the room.

⁷ Text messages between Jane Doe and Employee #1, which Jane Doe provided to the government, indicate that Employee #1 booked Jane Doe on a Southwest Airlines flight from San Antonio, Texas to Los Angeles, California (with a connection in Phoenix to change planes), departing San Antonio at 12:55 p.m. on a date in January 2018, with a return trip to San Antonio booked for January 14, 2018. Records from Southwest Airlines confirm that Jane Doe was booked on a flight from San Antonio, Texas to Phoenix on January 12, 2018 departing at 12:55 p.m., a flight from Phoenix to Los Angeles at 4:25 p.m., and a return flight from Los Angeles to San Antonio on January 14, 2018 at 4:45 p.m. The payment record for the ticket purchase references Employee #1's email address.

studio in Los Angeles to see Kelly. Once at the studio, Jane Doe waited for many hours, without food or water, for Kelly to arrive. Kelly stayed for a short period of time and did not show up again until the following day. Kelly told her that when he did come, Jane Doe was to be “ready” for him and that when he told her to give him oral sex, she needed to jump up and act super happy. When he arrived that following day, Kelly had a backpack with him; he took Jane Doe into a smaller area/room within the room she had been waiting for him in and instructed Jane Doe to take off her clothing. Jane Doe noticed a gun, which Kelly moved to a small table nearby.⁸ Kelly then proceeded to ask Jane Doe a series of questions, warning her there would be consequences if she lied. Jane Doe believed she was not free to leave the room. Thereafter, Jane Doe gave Kelly oral sex while in the room.

h. Jane Doe traveled a final time to meet Kelly in February 2018 in connection with Kelly’s trip to New York City for the 2018 Grammy Awards.⁹ She recalled staying in Kelly’s room at a hotel with a name that sounded like the “Mandarin.” The day after she arrived, Kelly entered the hotel room at approximately 10:00 or 11:00 in the morning and when he walked inside, he immediately propped an iPad, opened all the curtains and said, “You need to get used to my schedule.” Kelly then put Jane Doe in front of the

⁸ Employee #1 has advised that in approximately February 2018, she observed a handgun behind the bar area in Kelly’s Chicago studio.

⁹ The 60th Annual Grammy Awards were held on January 28, 2018 at Madison Square Garden in New York City. Records from the Mondrian Park Avenue show that RSK Enterprises booked multiple rooms at the Mondrian Park Avenue from late January 2018 through late February 2018, including for recording artist R. Kelly. American Airlines records show that Jane Doe had a flight reservation to travel from San Antonio, Texas at 5:35 p.m. on February 2, 2018 to LaGuardia Airport in Queens, New York (through Charlotte, North Carolina) and to return to San Antonio on a flight leaving LaGuardia Airport at 5:59 p.m. on February 4, 2018 (traveling through Dallas, Texas); Employee #1’s name and address are listed in the “Address Information” portion of this flight record.

iPad camera and told her to touch herself. When she declined to do that, he stopped recording. Kelly thereafter engaged in sexual contact with Jane Doe. Prior to this encounter, Kelly did not tell Jane Doe that he had contracted herpes.

i. Jane Doe thereafter learned that she had contracted herpes from Kelly¹⁰ and subsequently filed a lawsuit against Kelly.

j. At one point during Jane Doe's relationship with Kelly, Kelly asked her to provide him with a list of things that she did not want "the world" to know about and volunteered to help her craft that list; Jane Doe did not actually provide Kelly with such a list. Kelly also asked her to sign some documents, but she never did.

17. Jane Doe has provided the government with copies of various communications she engaged in with both Kelly and Employee #1 using an iPhone. The communications with Kelly include a screen shot of a FaceTime video chat between Kelly and Jane Doe, as well as various text message exchanges using the Apple iMessage feature, during which Jane Doe refers to Kelly as "daddy" and where the two send photographs of themselves to each other.

II. PROBABLE CAUSE

18. As noted above, on or about May 21, 2018, an attorney for Jane Doe at the time with a law office in Brooklyn, New York (the "Civil Attorney") filed a lawsuit on Jane Doe's behalf against Kelly in New York County Supreme Court (the "Lawsuit"). The Lawsuit alleged multiple causes of action against Kelly related to Kelly's sexual interactions with Jane Doe, including, inter alia, sexual battery, civil battery, negligence and gross

¹⁰ Medical records for Kelly indicate that Kelly contracted herpes and was so advised by his treating physician prior to March 2017.

negligence, intentional infliction of emotional distress, fraud/concealment, and false imprisonment. The Lawsuit sought general and special damages, compensatory damages, punitive and exemplary damages in amounts to be determined at trial, as well as costs and reasonable attorney's fees from Kelly. The Lawsuit included the Civil Attorney's office address in Brooklyn, New York.

19. The Civil Attorney¹¹ has advised, in substance and in part, that in or about the Fall of 2018, the Civil Attorney's receptionist received an envelope via United States Postal Service ("USPS") certified mail at the Civil Attorney's law office in Brooklyn, New York, which the receptionist subsequently provided to the Civil Attorney (the "Envelope"). The Civil Attorney has provided the USPS tracking number for the Envelope (the "Tracking Number"), as well as the Envelope and its contents, to the government.

20. According to records from USPS related to the Tracking Number, USPS came into possession of the Envelope at a location in Chicago, Illinois with zip code 60601-3218 on November 20, 2018 at approximately 3:24 p.m. and the Envelope was subsequently delivered to the address of the Civil Attorney's law office at the time in Brooklyn, New York on November 26, 2018 at approximately 1:18 p.m. by being left with an individual who signed for the Envelope. USPS records also include a copy of the signature of the individual who signed for and received the Envelope (the "Signature"). USPS records related to the Tracking Number also provide a tracking number for the certified mail return receipt associated with the Envelope (the "Return Receipt"). USPS

¹¹ In March 2019, the Civil Attorney was convicted by a federal jury in this District of obstructing an official proceeding, and conspiring to do the same. When the Civil Attorney provided the letter to law enforcement, she was facing indictment in this District, awaiting trial, but did not disclose her pending indictment.

records related to the Return Receipt tracking number indicate that the destination address for the Return Receipt was 219 N. Justine Street, Chicago, Illinois 60607-1403 – the address of a warehouse rented and used as, inter alia, a recording studio by Kelly at the time.

21. Law enforcement agents interviewed an individual who, among other things, was responsible for handling incoming mail at the Brooklyn building in which the Civil Attorney's office was located in November 2018. This individual was shown a copy of the Signature from USPS records and confirmed that the Signature belonged to him/her.

22. I have reviewed the contents of the Envelope, which contained the following items: (1) a one-page letter dated October 22, 2018 addressed to the Civil Attorney at her law office in Brooklyn, New York, signed with a handwritten signature over the name "Robert Sylvester Kelly" (the "October 22, 2018 Letter"); (2) a one-page document entitled "Testimony," which purports to set forth an under oath statement from "Robert Sylvester Kelly," with a handwritten signature on the bottom and dated October 20, 2018; (3) a one-page "Notice of Delivery" (the "Notice of Delivery") with a version of the case caption for the Lawsuit addressed to the Civil Attorney's law office signed by "June Barrett," care of an address in Chicago, Illinois and a listed Yahoo email address;¹² (4) a copy of what appears to be the cover page for the Lawsuit, a Summons in the Lawsuit addressed to Kelly and the first page of the Verified Complaint and Demand for Jury Trial for the Lawsuit, with the following stamp affixed to each document: "I DO NOT ACCEPT THIS OFFER TO CONTRACT AND I DO NOT CONSENT TO THESE PROCEEDINGS," with Kelly's

¹² Subscriber records for the listed Yahoo email address indicate that the account is subscribed to by June Barrett of Chicago, Illinois with zip code 60623. Based on a review of a certified copy of RUSSELL's birth certificate, I believe that June Barrett is RUSSELL's mother.

purported handwritten signature and a State of Illinois Notary stamp and signature for “June A. Barrett” dated October 29, 2018; (5) and two one-page documents containing photographs and text related to Jane Doe, further described below (hereinafter, “Attachment 1” and Attachment 2”).

23. Among other things, the October 22, 2018 Letter addressed to the Civil Attorney states:

Please advise Ms. [Jane Doe’s last name], your client to abandon this heartless effort to try to destroy my musical legacy for selfish, personal enrichment. If she persists in court action she will be subjected to public opinion during the discovery process. For example, my law team is prepared to request the production of the medical test results proving the origin of her STD claim, as well as 10 personal male witnesses testifying under oath about her sex life in support of her claim and complete records of her text/face time message exchanges, which will be reviewed to match and be authenticated by the recipient to insure there are no omissions or deletions.

If Ms. [Jane Doe’s last name] really cares about her own reputation she should cease her participation and association with the organizers of this negative campaign. Counter actions are in the developmental stages and due to be released soon.

24. Attachment 1 is entitled “Here’s [Jane Doe’s name], your client”, which title is followed by three photographs of Jane Doe’s face, two of which appear to have been taken from TV interviews of Jane Doe. The following text appears below the three photographs of Jane Doe: “Here’s a sample of the real [Jane Doe’s name]. Remember she lives in Texas, so her claim of being intimidated falls flat because these pics were sent via text.” Four photographs appear below the aforementioned text: (1) a photograph of Jane Doe and a man who appears to be Kelly; (2) a close-up photograph of Jane Doe’s face and the top portion of her exposed breasts, including a partial portion of her nipple area; (3) a photograph

of Jane Doe kneeling on a bed, which includes a partial portion of her exposed buttocks; and (4) a photograph of a text message exchange on what appears to be an iPhone where the iPhone owner states “In a meeting send me the picture baby” and Jane Doe responds with a clothed photograph of herself followed by an iMessage stating, “Is this better daddy.” The following text appears below these four photographs: “I assure you this would not be considered a Sunday go-to-meeting dress. The next two pictures have been cropped for the sake of not exposing her extremities to the world, yet!!! I’m a singer, not a doctor, so how does Ms. [Jane Doe’s last name] justify her transmissions of these kinds of pictures.” Based on my review of Attachment 1, I believe the reference to “the next two pictures” is a reference to the close-up photograph of Jane Doe’s face and the top portion of her exposed breasts, including a partial portion of her nipple area and the photograph of Jane Doe kneeling on a bed, which includes a partial portion of her exposed buttocks, described above, that appear on top of this text.

25. Attachment 2 consists of three photographs of text message exchanges on what appears to be an iPhone with the following text above the photographs: “Ms. [Jane Doe’s last name] usage of ‘daddy’ is/was her choice! It’s very interesting how the difference in age only becomes a factor when things didn’t go as she planned.” The text message exchanges include texts to the owner of the iPhone where the owner is called “Daddy” and a text message where an address is disclosed.

26. Based on training, experience and knowledge of this investigation, there is probable cause to believe that when the author wrote, “The next two pictures have been cropped for the sake of not exposing her extremities to the world, yet!!!” the author intended to communicate to Jane Doe that if she did not withdraw the civil lawsuit she filed

against Kelly, intimate and potentially embarrassing photographs of Jane Doe would be publicly released.

27. Jane Doe did not withdraw her lawsuit against Kelly.

28. On January 6, 2020, the Honorable Lois Bloom issued a search warrant for an email account subscribed to and used by RUSSELL (the "RUSSELL GMAIL ACCOUNT"). On December 2, 2018, RUSSELL, using the RUSSELL GMAIL ACCOUNT, sent an email to an individual whose identity is known to the Affiant (the "Individual") with the text "Check this out – Kindest Regards Don Russell", and attaching a PDF document entitled "[Jane Doe's name].pdf" (the "Jane Doe PDF"). The second page of the Jane Doe PDF contains the verbatim text described above from Attachment 1: "Here's a sample of the real [Jane Doe's name]. Remember she lives in Texas, so her claim of being intimidated falls flat because these pics were sent via text." This verbatim text is followed by the same four photographs that followed this text in Attachment 1, including the photographs of Jane Doe's partially exposed breast and buttocks. The following text, which is not verbatim to the text described above in Attachment 1, but contains a portion that is similar to the text following these same four photographs in Attachment 1, is written below the photographs on the second page of the Jane Doe PDF:

I assure you this would not be considered a Sunday Church dress. The next two pictures have been cropped from the originals for the sake of not exposing her extremities to the world, YET!!! Has [Jane Doe's last name] justified her transmission of these kinds of pictures. For instance, her showing off her new boob job via FaceTime. We also have the infamous video's [sic] that were supposedly taped without her knowledge/consent. In the one of the video's is [sic] shows Ms[.] [Jane Doe's last name] looking directly into the camera while she's riding Mr. Kelly. In another she's performing oral while looking directly in the camera.

29. The third (and final) page of the Jane Doe PDF is exactly the same as Attachment 2. It consists of the following text: “Ms. [Jane Doe’s last name] usage of ‘daddy’ is/was her choice! It’s very interesting how the difference in age only becomes a factor when things didn’t go as she planned” followed by the same three photographs of text message exchanges set forth in Attachment 2.

30. On December 4, 2018, RUSSELL, using the RUSSELL GMAIL ACCOUNT, sent an email to the Individual stating “Here’s what just went out!!!”, which forwarded an email dated December 4, 2018, that was sent by “Colon Dunn,” using the email address colondunn@yahoo.com (the “COLON DUNN EMAIL ACCOUNT”), with the subject line “The Survivors Exposed” and sent to various individuals employed by A&E Networks, which owns Lifetime Entertainment Services. Lifetime produced a documentary series featuring various of Kelly’s accusers entitled “Surviving R. Kelly,” which aired on the Lifetime TV network in early January 2019. As discussed further below, on the evening of December 4, 2018, Lifetime was to hold a private screening of a portion of the documentary at a theater in Manhattan, however, the screening was interrupted by a gun threat that was communicated by phone to the theater. The forwarded email from “Colon Dunn” attached a PDF entitled “The Survivors.pdf” (“The Survivors PDF”) and stated:

I’ve been asked to forward you a sample from the content within the package we are forwarding to various parties of interest later today. The complete presentation will be accompanied by a cease and desist demand and the legal document that will be filed in federal court on Friday morning December 7th after your itinerary is completed. The list of recipients will include: President/CEO of Lifetime Betty Cohen, President/CEO of A&E Paul Buccieri, CEO of Disney Company Robert A. Iger, A&E Legal department, the Board of directors for A&E Networks, as well as top executives at select media outlets. By the way, Mr. Kelly has spoken to the FBI as well. Thank You! Sincerely[,] Colon Dunn[,] Lead Investigator

31. The Survivors PDF includes photographs and purported information related to various of Kelly's accusers who appear in the Surviving R. Kelly documentary series, including Jane Doe. The Survivors PDF also contains the same photographs contained within Attachment 1 and Attachment 2, as well as in the Jane Doe PDF described above, including the photographs of Jane Doe's partially exposed breast and buttocks.

32. On December 4, 2018, the RUSSELL GMAIL ACCOUNT received an email sent by Yahoo that consisted of a notification of a sign-in onto the COLON DUNN EMAIL ACCOUNT on that date. Another email sent by Yahoo to the RUSSELL GMAIL ACCOUNT dated December 4, 2018 provided notification of a password change for the COLON DUNN EMAIL ACCOUNT. A third email sent by Yahoo to the RUSSELL GMAIL ACCOUNT on December 4, 2018 indicates that the user of the COLON DUNN EMAIL ACCOUNT removed the RUSSELL GMAIL ACCOUNT as an alternate email address for the COLON DUNN EMAIL ACCOUNT. Subscriber information for the COLON DUNN EMAIL ACCOUNT indicates that, as of January 2020, the alternate email address for the account is indybuild2013@gmail.com.

33. On December 5, 2018, RUSSELL, using the RUSSELL GMAIL ACCOUNT, sent an email to the Individual, which appears to contain a draft email addressed to TMZ, a popular gossip website. Among other things, the draft email indicates that Kelly's staff became aware of the private screening of the Lifetime documentary series "about a month ago" and "[w]e publicly exhausted every legal measure to stop the event" and stating "[w]e strongly feel Lifetime was about to pull out once they received a sample of the results of our investigation. (See Attachment)." While no attachment is included in the draft email,

given the description of what was provided to “Lifetime” and the date of the draft email, there is probable cause to believe the intended attachment was The Survivors PDF.

34. On December 21, 2018, Jane Doe and her mother received a series of text messages from telephone number (312) 203-3030, which included the text “Just a sample. We will seek criminal charges. You’ve been warned,” followed by photographs of portions of the Survivors PDF, including the same photographs of Jane Doe within Attachment 1 and Attachment 2. Thereafter, inter alia, Jane Doe and her mother received text messages from telephone number (312) 203-3030 stating “Publishing soon” and “[T]his is Colon. My investigation will be done soon enough.” On January 3, 2019, Jane Doe and her mother received a text message from telephone number (312) 203-3030 stating “Pull the plug or you will be exposed.” Records from T-Mobile indicate that (312) 203-3030 was subscribed to by “Indybuild Corp” at 910 W Van Buren St. Ste. 100-352, Chicago, IL 60607-3523 from August 30, 2018 to January 10, 2019. According to his LinkedIn profile, RUSSELL is the Founder/President/CEO of IndyBuild in Chicago, Illinois and has been associated with IndyBuild since January 2015.

35. Records received from Facebook indicate that a Facebook page called “Surviving Lies”¹³ was created by Facebook user “Colon Dunn” with phone number (312) 203-3030, which phone number was verified by Facebook on December 3, 2018 at 23:09:36 UTC, and a registered email address of colondunn@yahoo.com, on January 7, 2019 at 02:42:01 UTC.¹⁴ The “Surviving Lies” Facebook page was closed on January 7, 2019 at

¹³ Facebook records indicate that the account identifier for this Facebook page was misspelled “suvivinglies”.

¹⁴ In January 2019, UTC time was five hours ahead of Eastern Time and six hours ahead

20:44:17 UTC. Media reports indicate that Facebook deactivated the “Surviving Lies” Facebook page after posts targeting Jane Doe and another of Kelly’s accusers were posted on the page. A January 7, 2019 article from the Daily Mail includes screen shots from the “Surviving Lies” Facebook page that were posted on the page before it was taken down. Those screenshots include some of the same photographs of text message exchanges between Jane Doe and Kelly in Attachment #2, including one where an address is disclosed. In addition, the Daily Mail article states that “cropped images” of the same woman were also posted on the Facebook page allegedly showing Kelly “her breast augmentation following surgery.” Following Facebook’s deactivation of the “Surviving Lies” Facebook page, Facebook issued a statement indicating that the page violated Facebook’s Community Standards and had been removed, adding “We do not tolerate bullying or sharing other’s private contact information and take action on content that violates our policies as soon as we’re aware.”

36. Records from Facebook and AT&T indicate that the IP address for logins into the Colon Dunn Facebook account on January 7, 2019 is a unique IP address provisioned to an AT&T account belonging to DONNELL RUSSELL with a billing and service address in Chicago, Illinois with a 60623 zip code and a “preferred email” listed on the account as the RUSSELL GMAIL ACCOUNT.

37. On February 11, 2020, the Honorable Lois Bloom signed a search warrant for the COLON DUNN EMAIL ACCOUNT. On January 6, 2019, the COLON DUNN EMAIL ACCOUNT received (1) an email from Facebook titled “Get the most out of

of Central time.

your Page for Surviving Lies;” and (2) an email from Facebook Business, which included the following content: “Welcome to your new Facebook Page, Surviving Lies.” On January 7, 2019, the COLON DUNN EMAIL ACCOUNT received an email from the Facebook Ads Team, which stated, inter alia, “Your ad is approved and should begin delivering shortly” and referred specifically to a “Campaign” for “Promoting Surviving Lies.” In addition, on January 7, 2019, the COLON DUNN EMAIL ACCOUNT received a series of notifications from Facebook regarding various Facebook user’s comments on posts and photographs on the Surviving Lies Facebook page.


38. On or about January 25, 2020, RUSSELL appeared in a video interview live-streamed on YouTube. During the interview, RUSSELL introduced himself as Kelly’s “advisor, consultant [and] friend” and indicated that he had known Kelly for “going on 30 years now.” Thereafter, during the interview, RUSSELL discussed Jane Doe and the Lawsuit, holding up copies of items that had been sent to the Civil Attorney, described above, namely (1) the Notice of Delivery; (2) the Summons in the Lawsuit and the first page of the Verified Complaint and Demand for Jury Trial for the Lawsuit, with the stamp “I DO NOT ACCEPT THIS OFFER TO CONTRACT AND I DO NOT CONSENT TO THESE PROCEEDINGS”; and (3) Attachment 1 and Attachment 2. While holding up Attachment 1 to the camera, RUSSELL stated “That’s my commentary at the bottom” – referring to the text that appears below the four photographs on Attachment 1.

39. On or about January 26, 2020, RUSSELL appeared in another video interview live-streamed on YouTube. During the interview, RUSSELL held up copies of items that had been sent to the Civil Attorney, described above, namely (1) a copy of the first page of the Verified Complaint and Demand for Jury Trial for the Lawsuit, with the

following stamp affixed to the document: "I DO NOT ACCEPT THIS OFFER TO CONTRACT AND I DO NOT CONSENT TO THESE PROCEEDINGS," with Kelly's purported handwritten, notarized signature; and (2) Attachment 1 and Attachment 2. While holding up to the camera the Verified Complaint with the aforementioned stamp on it, RUSSELL stated Kelly "signed it." Thereafter, RUSSELL held Attachment 1 and Attachment 2 up to the camera and stated: "we sent" these documents "to the lawyer." RUSSELL further stated "these are the pictures of her [Jane Doe] that we sent. These are the texts messages of her that we sent."


40. Because public filing of this document could result in a risk of flight by the defendant, as well as jeopardize the government's investigation, your deponent respectfully requests that the complaint and arrest warrant be filed under seal.

41. WHEREFORE, your deponent respectfully requests that the defendant DONNELL RUSSELL, also known as "Don Russell" and "Colon Dunn," be dealt with according to law.



SYLVETTE REYNOSO
Special Agent, United States Department of
Homeland Security, Homeland Security
Investigations

Sworn to before me this
9th day of March, 2020



THE HONORABLE PEGGY KUO
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK