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Approved: Nicholas W. Chiuchio
NICHOLAS W. CHIUCHIOLO
Assistant United States Attorney

Before: THE HONORABLE KATHARINE H. PARKER
United States Magistrate Judge
Southern District of New York

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: COMPLAINT
UNITED STATES OF AMERICA :
: 18 U.S.C. §§ 2422(b);
- v. - : 2251(a), (e); and 2.
:
FREDERICK L. SCHEININ, : COUNTY OF OFFENSE:
: NEW YORK
Defendant. :
:
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SOUTHERN DISTRICT OF NEW YORK, ss.:

PHILIP ADASZEWSKI, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE
(Attempted Production of Child Pornography)

1. From at least in or about October 2019, up to and including in or about January 2020, in the Southern District of New York and elsewhere, FREDERICK L. SCHEININ, the defendant, willfully and knowingly did, and 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 for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and was actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, to wit, SCHEININ, attempted to persuade a minor to produce

images, videos, and live visual depictions of the child engaging in sexually explicit conduct, including images of the child's penis, and to transmit those images, videos, and live visual depictions over an online messaging application.

(Title 18, United States Code, Sections 2251(a), (e), and 2.)

COUNT TWO

(Attempted Coercion and Enticement of a Minor to Engage in Illegal Sexual Activity)

2. From at least in or about October 2019, up to and including in or about January 2020, in the Southern District of New York and elsewhere, FREDERICK L. SCHEININ, the defendant, willfully and knowingly did, and attempted to, use a facility and means of interstate and foreign commerce to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in sexual activity for which a person can be charged with a criminal offense, and attempted to do so, to wit, SCHEININ used a cellphone and the internet to persuade, induce, entice, and coerce a minor to engage in sexual activity with SCHEININ in New York, New York.

(Title 18, United States Code, Sections 2422(b) and 2.)

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

3. I am a Detective with the NYPD, currently assigned to the Vice Major Case Unit. I am assigned to a group charged with enforcing laws prohibiting child pornography and other forms of child exploitation. As such, I have worked on numerous investigations and prosecutions involving minor victims and the adults who victimize these children. This affidavit is based upon my personal participation in the investigation of this matter, as well as on my conversations with other law enforcement officers and my examination and review of documents, reports, records, and recordings made during the course of this investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during the investigation. Where the contents of documents or the actions, statements, or conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

The Defendant

4. Since in or about October 2019, the NYPD and the Department of Justice Office of Inspector General (the "DOJ-OIG," together with the NYPD, the "Investigating Agencies"); have been investigating FREDERICK SCHEININ, the defendant, for engaging in the attempted exploitation of a minor. Based on my participation in this investigation, I am aware that SCHEININ is a diversion investigator at the New York Field Office of the Drug Enforcement Administration (the "DEA").

Investigation Background

5. In an effort to detect and apprehend perpetrators of child exploitation offenses, law enforcement officers working with the NYPD have occasionally operated an undercover account (the "UC Account") on a popular social networking dating application (the "Dating Application"). Based on my training and experience, I am aware that the Dating Application's terms of service prohibit children below the age of eighteen from creating or using accounts on their service. However, based on my participation in this investigation and my training and experience, I am aware that minors frequently use the Dating Application to communicate with and meet other individuals. Due to the Dating Application's terms of service, the profile for the UC Account listed the user's age as eighteen, but the law enforcement officers who operated the UC Account typically told individuals who communicated with the UC Account that the operator of the UC Account was fourteen years old.

6. Beginning in or around October 2019, an individual believed to be FREDERICK SCHEININ, the defendant, began communicating with the UC Account.¹ The law enforcement officers operating the UC Account told SCHEININ, in substance and in part, that the user of the UC Account was fourteen years old. On or about October 26, 2019, SCHEININ sent his phone number (the "Scheinin Phone Number") to the UC Account.

¹ Based on, among other things, my comparison of SCHEININ's Dating Application profile picture with a photograph of SCHEININ maintained by the Investigating Agencies, I believe SCHEININ to be the user of the Dating Application account that communicated with UC-1.

Defendant's Communications With A Fictitious Minor

7. Based on my conversations with other witnesses, law enforcement officers, my review of documents and recorded communications made in the course of this investigation, my involvement in this investigation, and my training and experience, I am aware of the following, among other things:

a. Beginning on or about October 26, 2019, FREDERICK SCHEININ, the defendant, began communicating with an undercover law enforcement officer ("UC-1")² using a voice text messaging application (the "Text Application") account that was associated with the Scheinin Phone Number. During that text exchange, SCHEININ asked UC-1, among other things, "So when are we gonna chill?"

b. On or about October 29, 2019, SCHEININ and UC-1 again communicated using the Text Application. During this text exchange, SCHEININ stated that he lived in "Sunnyside." SCHEININ asked where UC-1 lived, and UC-1 responded, in substance and in part, that UC-1 lived with UC-1's mother in Whitestone. SCHEININ then asked UC-1, "are you far from the 7 in flushing?" UC-1 then asked, "what's that," and SCHEININ responded, "lol the subway." UC-1 told SCHEININ that UC-1 does not take the subway.

c. On or about November 6, 2019, SCHEININ and UC-1 again communicated using the Text Application. When UC-1 asked for his name, SCHEININ responded that his name was "Zach." SCHEININ stated that he was 29 years old. In response, UC-1 stated, "Oh ok im 14." SCHEININ responded, "alright." Later in this text exchange, UC-1 told SCHEININ that high school "sucks."

d. On or about November 7, 2019, using the Text Application, SCHEININ and UC-1 discussed communicating through another messaging application (the "Messaging Application") that has a real time video chat function. Based on my training, experience, and involvement in this investigation, I am aware that the Messaging Application offers its users the ability to communicate with each other through text messaging and real time video chat. Photos and text messages sent through the Messaging Application are usually only available for a short time before they become inaccessible to their recipients. For purposes of

² UC-1 is used herein to refer to one of several law enforcement officers who used various digital communication applications to communicate with SCHEININ.

this investigation, law enforcement photographed, recorded, or otherwise memorialized messages between SCHEININ and UC-1 transmitted over the Messaging Application. During this November 7 text exchange, SCHEININ sent his Messaging Application username (the "SCHEININ Username") to UC-1.

e. On or about November 8, 2019, SCHEININ and UC-1 communicated in real time using the Messaging Application's video chat. During this communication and all other video communications with SCHEININ, UC-1's appearance was partially disguised to be consistent with that of a fourteen year-old boy. During this November 8, 2019 video chat communication, SCHEININ stated, in substance and in part, that he was home in his bedroom and asked UC-1 for how long UC-1 would be home alone. Later during this video chat, UC-1 asked SCHEININ, "so you like don't care that I'm younger?" SCHEININ responded, "No, it's cool. As long as you're cool with it." Approximately one minute later, SCHEININ asked UC-1, "have you ever like done anything on [the the Messaging Application] before, you know, like, jerked off with someone or anything like that?" SCHEININ then stated, in substance and in part, that he had masturbated on the Messaging Application and that it was "all right" but that "it's better in person."

f. Based on my review of business records obtained from the Messaging Application pursuant to a grand jury subpoena, I am aware that at or around the time of UC-1 and SCHEININ's first message exchange on the Messaging Application, on or about November 8, 2019, the SCHEININ Username was accessed from a particular Internet Protocol ("IP") address (the "Target IP Address").³ Based on my review of records obtained from the internet service provider ("ISP") for the Target IP Address, which records were obtained pursuant to a grand jury subpoena, I am aware that the Target IP Address was assigned to an apartment at which SCHEININ is known to reside and that the retail account with the ISP was subscribed to in the name, "FREDERICK

³ Based on my training and experience, I know that "Internet Protocol address" or "IP address" refers to a unique number used by a computer to access the Internet. IP addresses can be dynamic, meaning that the Internet Service Provider ("ISP") assigns a different unique number to a computer every time it accesses the Internet. IP addresses might also be static, meaning an Investigative Software assigns a user's computer a particular IP address that is used each time the computer accesses the Internet. "Domain name" is a name that identifies an IP address.

SCHEININ."

g. On or about November 19, 2019, SCHEININ and UC-1 communicated using the Messaging Application's text messaging feature. UC-1 told SCHEININ, in substance and in part, that UC-1's father would soon be moving to an apartment in Manhattan. UC-1 stated that UC-1 was excited because UC-1 would "get to take the train in like by my self."

h. On or about December 4, 2019, UC-1 sent SCHEININ the text message, "hey," through the Text Application. A short time after this text message was sent on December 4, SCHEININ responded through the Messaging Application: "Got your text before. I think it's better we chat on here." Based on the context of this conversation and my participation in this investigation, I believe SCHEININ directed UC-1 to communicate only through the Messaging Application (as opposed to ordinary text message) because communications transmitted through the Messaging Application are automatically deleted.

i. On or about December 11, 2019, UC-1 and SCHEININ communicated using the Messaging Application's text messaging feature. UC-1 told SCHEININ, in substance and in part, that UC-1's father was moving to Manhattan. On or about December 18, 2019, SCHEININ asked UC-1 what part of Manhattan UC-1's father was moving to, and UC-1 responded, "I think lower."

j. On or about December 19, 2019, using the Messaging Application UC-1 sent a photograph to SCHEININ of UC-1 on the subway. SCHEININ responded, "Where are you heading?" UC-1 responded, "Dads place," which was a reference to UC-1's father's apartment in Manhattan. SCHEININ then asked if UC-1 was alone on the train and then stated, "well maybe one day you can take it to me lol. I'm right off the seven," a reference to UC-1 taking the subway to meet SCHEININ at SCHEININ's apartment in Queens, New York.

k. On or about December 19, 2019, SCHEININ and UC-1 communicated in real time using the Messaging Application's video chat feature. UC-1 had this conversation from a room in DOJ-OIG's Manhattan offices that was refurbished to appear as a child's bedroom (the "UC-1 Bedroom"). Based on my review of the video recording of this conversation, SCHEININ appeared to be home in his bedroom at the time.⁴ During this video chat,

⁴ Based on, among other things, my comparison of SCHEININ and UC-1's video chats with a known photograph of SCHEININ

SCHEININ asked UC-1, "what are you doing under your blanket there?" Later in the conversation, SCHEININ told UC-1, "maybe one day I'll see you out from under the blanket," and then UC-1 and SCHEININ discussed, in substance and in part, meeting in person. Specifically, UC-1 stated that UC-1 is "usually free after school."

1. On or about the evening of December 20, 2019, SCHEININ and UC-1 had multiple real time communications using the Messaging Application's video chat feature. At the time of these video chats, UC-1 was located in the UC-1 Bedroom in Manhattan and, based on my review of the video recording of this conversation, SCHEININ appeared to be in his home bedroom. In between one of these video chats, SCHEININ sent UC-1 a photograph of his erect penis. SCHEININ then said to UC-1, "you should send me a pic before you go to bed." UC-1 asked SCHEININ, "pic of what" and SCHEININ responded, "surprise me." Later that evening, SCHEININ used the Messaging Application to send UC-1 multiple pictures of SCHEININ holding his erect penis. Following the transmission of these photographs, SCHEININ and UC-1 exchanged the following text messages using the Messaging Application, in sum and substance:

SCHEININ:	Let me see yours
SCHEININ:	I promise not to judge if that's what you're nervous about.
SCHEININ:	I Don't care about size or hair or anything else like that lol
UC-1:	Im sorry I just feel awkward rite now bc my mom is in the room next to mine. U prob think im a loser.
SCHEININ:	Nooo
SCHEININ:	If I send you another one maybe that will change your mind

m. Later in the evening of on or about December 20, 2019, UC-1 and SCHEININ again communicated using the Messaging Application's text messaging feature. UC-1 stated, "Im thinkin of wat I should send." UC-1 and SCHEININ then exchanged the

maintained in a law enforcement database, I believe that SCHEININ was the individual communicating with UC-1 during the video chats.

following text messages using the Messaging Application, in substance and in part:

SCHEININ:	Send me what I sent you.
UC-1:	Wat
SCHEININ:	From before lol
UC-1:	The dick pic?
SCHEININ:	Yah

n. On or about January 3, 2020, SCHEININ and UC-1 communicated using the Messaging Application's text messaging feature. During this text exchange, SCHEININ asked UC-1, "Can you do me a favor? Can you delete our texts out of your phone? You know, just in case she goes crazy and decides to look through your text messages lol. . . . That's why I like [the Messaging Application]. It always deletes everything immediately lol" SCHEININ then asked UC-1, "when are we gonna chill lol." UC-1 responded, "Deftly soon."

o. On or about January 7, 2020, SCHEININ and UC-1 communicated in real time using the Messaging Application's video chat feature. At the time, UC-1 was in the UC-1 Bedroom in Manhattan. During this conversation, SCHEININ repeatedly requested that UC-1 take photos of UC-1's penis and send the photos to SCHEININ using the Messaging Application and/or that UC-1 show UC-1's penis to SCHEININ using the Messaging Application's video chat. In response to SCHEININ's requests, UC-1 stated, "I kinda want to," and SCHEININ responded, "I think you should. Just really quick." UC-1 and SCHEININ then engaged in the following colloquy, in substance and in part:

UC-1:	Well, I'm not ready right now . . . because it's soft. So I don't know if you'd wanna see it soft.
SCHEININ:	Well, I'll see it soft first and then see what happens.
UC-1:	So you don't care if it's hard or soft?
SCHEININ:	I mean, I think I'd like to see it both ways and then I'll see which way I like it better.
UC-1:	I don't know yet. I have to feel more comfortable first.
SCHEININ:	All right. That's cool.
UC-1:	I'm still nervous.

SCHEININ:	What are you nervous about?
UC-1:	I Don't know. Because I haven't met yet in person. Does that bother you?
SCHEININ:	No. But I still want to see it.

p. During the January 7 conversation, UC-1 and SCHEININ discussed their sexual preferences and, in that context, SCHEININ stated, in sum and substance, "I would prefer to take control." SCHEININ then asked about UC-1's preferences, and UC-1 stated, "I guess I would do whatever . . . it's up to you type of thing." SCHEININ responded, "all right. Sounds good."

q. On or about January 9, 2020, SCHEININ and UC-1 communicated in real time using the Messaging Application's video chat feature. UC-1 had this conversation from the UC-1 Bedroom in Manhattan and, based on my review of a video recording of this conversation, SCHEININ appeared to be home in his bedroom. During this video chat, SCHEININ showed his penis and then stated, in substance and in part, "I kinda want to see what's under those boxers. . . . I just want to see it. I think it's hot." Shortly thereafter, SCHEININ said, in sum and substance, "stop being shy," and in reference to UC-1's penis, SCHEININ asked, in sum and substance, "why don't you touch it." In response, UC-1 asked, "do I have to?" and SCHEININ responded, "uh-huh." Based on my review of the video recording of this conversation, I am aware that SCHEININ began masturbating on the video chat--SCHEININ displayed his hand stroking his erect penis. During or around the time he was masturbating, SCHEININ then repeatedly asked UC-1, in substance and in part, to transmit a live visual depiction of UC-1's penis. More specifically, SCHEININ stated, in substance and in part:

- "I want to see it now."
- "Just show it to me, and then you can put it back."
- "Don't be like a pussy."
- "You know you want to."
- "You need to pull your boxers down."

r. During the January 9, 2020 video chat between SCHEININ and UC-1, SCHEININ and UC-1 discussed meeting in person on a later date. UC-1 asked what UC-1 and SCHEININ would do when they meet up. SCHEININ stated, in sum and substance, that they would "see what happens." UC-1 told SCHEININ, in sum and

substance, that UC-1's father would be traveling the week of January 19 and that UC-1 may be alone in the apartment. SCHEININ responded, in sum and substance, that he could meet UC-1 in the afternoon when UC-1 gets home from school. UC-1 asked SCHEININ to bring condoms and lube to the in-person meeting because UC-1 was afraid that sex between UC-1 and SCHEININ would be painful and because UC-1 was afraid of contracting a sexually transmitted disease. SCHEININ stated, in sum and substance, that he would bring condoms and lubricant to the in-person meeting. SCHEININ then continued to ask UC-1 to send photographs or a live video of UC-1's penis. SCHEININ stated, in sum and substance, that he wanted the pictures and/or video because he wanted "something to think about while jerking off." SCHEININ later said during this conversation that SCHEININ would imagine "playing" with and "sucking" UC-1's penis.

s. Towards the end of the January 9 video chat, SCHEININ said, in sum and substance, "I think I have to jerk off now because this is not going away. . . . I think you should show me really quick before you go." UC-1 responded, in sum and substance, that UC-1 was too nervous to send a photograph of UC-1's penis, but UC-1 did not want SCHEININ to forget about UC-1. In an apparent effort to induce UC-1 to send a visual depiction of UC-1's penis, SCHEININ responded, in sum and substance, "I don't know. What If I find like a new cute boy to talk while I'm soo horny right now."

t. On or about January 14, 2020, SCHEININ and UC-1 communicated using the Messaging Application's text messaging and video chat functions. UC-1 told SCHEININ, in sum and substance, that UC-1 was traveling into Manhattan from Queens and SCHEININ stated, "You should make a pit stop in sunnyside before heading into the city," which, in this context, was a reference to making a "pit stop" at SCHEININ's apartment in Sunnyside, Queens. UC-1 stated, in sum and substance, that UC-1 was going to UC-1's father's apartment in Manhattan, and SCHEININ responded, in sum and substance, "Just tell him you were hanging out with some friends in flushing after school lol." SCHEININ and UC-1 then discussed, in substance and in part, meeting in person on January 16, 2020. UC-1 and SCHEININ agreed to meet at a particular location in downtown Manhattan ("Location-1").

Scheinin Meets UC-1 To Engage In Sexual Activity

8. Based on my conversations with other witnesses, law enforcement officers, my review of documents and recorded communications made in the course of this investigation, my involvement in this investigation, and my training and experience, I am aware of the following, among other things:

a. On or about January 15, 2020, SCHEININ and UC-1 communicated using the Messaging Application's video chat feature. During this video chat, UC-1 was outside of a restaurant in Manhattan. UC-1 stated, in sum and substance, that UC-1's father was inside of the restaurant. SCHEININ confirmed, in sum and substance, that UC-1's father would not be home the following day. SCHEININ stated, in sum and substance, that he could meet UC-1 around 5:00 p.m. the following day. UC-1 asked SCHEININ if SCHEININ was going to bring lubricant, and SCHEININ responded, in substance, "Maybe . . . I think you should facetime me later when you get back, and we'll discuss it."

b. During the January 15 video chat, UC-1 asked SCHEININ what they would do when they met in person, and SCHEININ stated, in sum and substance, "I don't know; we'll figure it out." UC-1 responded, "but I like hearing about it." SCHEININ then stated, in sum and substance, "No. Because you're in public and shit." UC-1 then asked, "you still want to fuck?" and SCHEININ responded, "yeah. . . . Are you sure you can handle it?" UC-1 responded, in sum and substance, "only if you bring the lube."

c. During the January 15 video chat, SCHEININ confirmed that they would meet at Location-1 on January 16, 2020 when UC-1 got home from school.

d. On January 16, 2020, law enforcement agents conducting physical surveillance observed SCHEININ arrive in the vicinity of Location-1 at approximately 5:20 p.m. Agents placed SCHEININ under arrest. During a search incident to arrest, agents found a condom and a bottle of lubricant on SCHEININ's person.

WHEREFORE, the deponent respectfully requests that FREDERICK L. SCHEININ, the defendant, be imprisoned, or bailed, as the case may be.

PHILIP ADASZEWSKI
Detective, NYPD

Sworn to before me this
17th day of January, 2020

HONORABLE KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK