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ORIGINAL

Approved: *Edward C. Robinson Jr.*
EDWARD C. ROBINSON JR.
Assistant United States Attorney

Before: THE HONORABLE SARAH L. CAVE
United States Magistrate Judge
Southern District of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
UNITED STATES OF AMERICA	:
	:
- v. -	:
	:
RICHARD VIET NGUYEN,	: <u>COMPLAINT</u>
	:
Defendant.	: Violations of 18
	: U.S.C. §§ 2422(b) and
	: 2
	:
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SOUTHERN DISTRICT OF NEW YORK, ss.:

ANGELA TASSONE, 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
(Attempted Enticement)

1. From on or about October 20, 2021, up to and including on or about January 20, 2022, in the Southern District of New York and elsewhere, RICHARD VIET NGUYEN, the defendant, knowingly, using a facility and means of interstate and foreign commerce, persuaded, induced, enticed, and coerced 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 the same, to wit, NGUYEN used computers and/or telephones to communicate with an undercover FBI agent about arranging to engage in sexual activity with a purported five-year-old boy, and attempted to meet with the boy to engage in sexual activity.

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

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

2. I am a Special Agent with the FBI and have been so employed for approximately eight years. I am assigned to an FBI squad charged with enforcing federal laws prohibiting child pornography and other forms of child exploitation. 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 of documents, reports, and records. 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.

3. Based on my review of communications exchanged between an FBI Special Agent acting in an undercover capacity ("UC-1") and an individual identified as RICHARD VIET NGUYEN, the defendant, I have learned, among other things, the following:

a. On or about October 20, 2020, an individual (the "Target Subject") initiated a series of conversations via an instant messaging service (the "Messaging Service") with UC-1, who was posing as the father of a five-year-old boy ("Minor-1") and an eight-year-old boy ("Minor-2"). The Messaging Service enables messages to be encrypted and to self-destruct after a selected period of time. UC-1 and the Target Subject proceeded to have ongoing written communications via the Messaging Service, as well as voice conversations via the Messaging Service that was recorded by UC-1.

b. In these conversations, from on or about October 20, 2021 up to and including on or about January 19, 2021, the Target Subject expressed interest in engaging in sexual activity with both Minor-1 and Minor-2. The following are excerpts from a Messaging Service exchange between UC-1 and the Target Subject on or about November 14, 15, and 17, 2021:

UC-1: What do you wanna do?

Target Subject: I wanna suck. And maybe cum on [Minor-1 and Minor-2]

UC-1: Fuck man that's so hot! You wanna suck them or them suck you?

Target Subject: Suck them. Both. Hehe.

...

Target Subject: I'd let you watch me suck.

UC-1: Of fuck man I love that shit. I'm really into cuck stuff.

Target Subject: Me too. When can we do this?

UC-1: When do you want to? I just need to work out so I can have him alone. Prob take him out of school or something.

Target Subject: Yeah. Whenever. Maybe December. Or if you can tonight.

...

Target Subject: I want the boys. Either of them is fine :)

c. During these communications, UC-1 and the Target Subject discussed arranging for the Target Subject to engage in sexual activity with either Minor-1 or Minor-2. The following are excerpts from a Messaging Service exchange between UC-1 and the Target Subject on or about January 19, 2022:

Target Subject: Made up my mind. I want the yngr

UC-1: Lol ok just him right. He's 5 so it's easier to get him to do shit anyway

Target Subject: Yah.

...

Target Subject: Can I fuck?

UC-1: How big r you?

Target Subject: Like 5-6

UC-1: Oh ok yeah you'll be good then.

d. During these communications, UC-1 and the Target Subject arranged to meet at a coffee shop near Duane Park (the "Coffee Shop") on the morning of January 20, 2022, with the understanding that they would return to UC-1's apartment afterward and the Target Subject would engage in sexual activity with Minor-1. In addition, the Target Subject agreed to bring children's Benadryl and a condom. The following are excerpts from a Messaging Service exchange between UC-1 and the Target Subject on or about January 19, 2022:

Target Subject: Where do I meet you tomorrow morning.

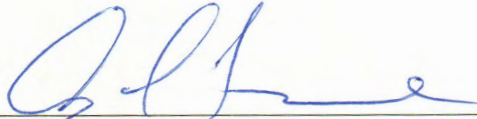
UC-1: Could meet near my place. In public. There's a park or coffee spot or something like that.

Target Subject: Okay. I'll pick up the stuff today. 8 right? 8 am?

2. Based on conversations with UC-1 and my personal observations of the following, I have learned that on or about January 20, 2022, RICHARD VIET NGUYEN, the defendant, met UC-1 at the Coffee Shop. UC-1 and NGUYEN left the Coffee Shop and began walking toward UC-1's purported apartment, at which point NGUYEN was arrested. At the time of his arrest, NGUYEN was in possession of, among other things, children's Benadryl and a condom in his pocket.

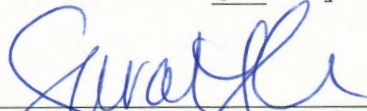
3. Based on the foregoing, I believe that the Target Subject is RICHARD VIET NGUYEN, the defendant.

WHEREFORE, I respectfully request that RICHARD VIET NGUYEN, the defendant, be imprisoned or bailed, as the case may be.



ANGELA TASSONE
Special Agent
Federal Bureau of Investigation

Sworn to me this 20 day of January, 2022



THE HONORABLE SARAH L. Cave
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK