

Approved: Ben Arad
Ben Arad
Assistant United States Attorney

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

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UNITED STATES OF AMERICA : COMPLAINT

- v. -

: Violation of
18 U.S.C. § 2251(a)

DARIN PETERSON,

:
COUNTY OF OFFENSE:

Defendant.

: ROCKLAND

- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

ERICA C. BUONOCORE, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation and charges as follows:

COUNT ONE

1. From on or about December 7, 2022 up to and including on or about January 29, 2023, in the Southern District of New York and elsewhere, DARIN PETERSON, the defendant, knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in or affecting interstate and foreign commerce and mailed, and the visual depiction would be produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means including by computer, to wit, PETERSON, while incarcerated in Rockland County, New York, communicated with a fifteen-year-old minor ("Victim-1") by text messages and by telephone and directed Victim-1 to take and transmit sexually explicit photographs of Victim-1 to PETERSON.

(Title 18, United States Code, Section 2251(a).)

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 Investigation ("FBI") and have been since 2011. During my tenure as a Special Agent, I have conducted and participated in numerous investigations of criminal activity 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.

3. 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.

4. Based on my participation in this investigation, I know the following:

a. DARIN PETERSON, the defendant, who is twenty-nine years old, has been incarcerated at the Rockland County Jail (the "Jail") since on or about March 16, 2021. PETERSON is awaiting trial for Murder in the Second Degree, Assault in the First Degree, and Criminal Possession of a Weapon in the Third Degree, in violation of New York Penal Law Sections 125.25(1), 120.10(1), and 265.01(1), respectively.

b. Inmates at the Jail are permitted to make phone calls which are recorded ("Jail Calls") and exchange other forms of digital communication, such as text- and photo-messages, with persons outside the Jail, transmitted through Securus Technologies ("Securus Messages"), a messaging platform used by inmates at the Jail.

5. My review of the Jail Calls of - and the Securus Messages sent from the Securus account of - DARIN PETERSON, the

defendant, reveals that, on numerous occasions from on or about December 7, 2022 up to and including on or about January 29, 2023, PETERSON communicated with a 15-year-old minor ("Victim-1"). During such communications, PETERSON engaged in sexually explicit conversations with Victim-1 and requested that Victim-1 take sexually explicit photographs of herself and transmit them to him, which she sometimes did. I have reviewed, among others, the following communications between PETERSON and Victim-1:

- a. During a Jail Call on or about December 7, 2023, PETERSON directed Victim-1 to send him sexually explicit photos. He provided specific instructions regarding how Victim-1 should take the photos and how Victim-1 should position herself in them. Specifically, PETERSON directed Victim-1, in part: "So look, we gon' have a, we gon' have a little photo shoot real quick I want you to set up your phone on the self-timer, level with your, level with your, level with your cheeks, right, and I want you to stand there, stand straight, right, and in front of the phone, and then take the picture like that, right, with your, with your, with your bare, with your bare cheeks out. But make sure, make sure it's close up, but I want, I want everything in the picture. I want your whole, the whole everything in the picture, but not too close to where I can't see that your hips but not too far to where it's not that close"
- b. In a Securus Message on or about the following day, December 8, 2023, Victim-1 sent PETERSON a photo ("Photo-1"). Photo-1 depicts a close-up of the genitals and both buttocks of a standing female, believed to be Victim-1, who is bent over. Photo-1 is taken from behind the subject of the photo, as instructed by PETERSON.
- c. During a Jail Call on or about January 29, 2023, PETERSON directed Victim-1 to send him a sexually explicit photo "tonight, so I can see it tonight." PETERSON provided specific instructions regarding how Victim-1 should take the photo and how Victim-1 should position herself in it. Specifically, PETERSON directed Victim-1 to place her phone on speakerphone, place a pillow against the wall where her bed meets the wall, prop her phone against the

pillow "so that it's standing up straight," and "then turn around, and get right in front of it . . . and pull your pants down." PETERSON instructed Victim-1, "when you bend over in front of it," apparently referring to the phone, "get close up to it, but not too close, but close enough." He added, "Do it right now, while I'm on the phone with you, so I know you did it." After Victim-1 said she had taken the photo, PETERSON asked if "both cheeks" are visible. Victim-1 responded in the affirmative, and PETERSON remarked, "you got my dick hard right now . . . I'm waiting for niggas to walk away from me . . . I can't hide it," apparently referring to his erection. Toward the end of the call, after asking what time Victim-1 would be going to sleep, the defendant said, "Just know I'm gon' be thinking about you at like 11:30, 11:45; you gon' be making me a happy nigga."

- d. In a Securus Message later the same day,¹ Victim-1 sent PETERSON a photo ("Photo-2"). Photo-2 depicts an extreme closeup of the genitals and buttocks of a female believed to be Victim-1, bent over with her sweatpants pulled down, as instructed by PETERSON. The genitals in Photo-2 are so clearly and fully visible that it appears the subject of the photo is spreading her buttocks apart.

6. On or about February 24, 2023, Victim-1 participated in a forensic interview (the "Forensic Interview"), which I observed by live video feed. During the interview, Victim-1 advised, among other things:

- a. Victim-1 is now fifteen years old.
- b. On multiple occasions, DARIN PETERSON, the defendant, contacted Victim-1 by Jail Call and demanded that she

¹ The time stamp on the recording of the January 29, 2023 Jail Call described above is 10:14 p.m., and the time stamp on the January 29, 2023 Securus Message containing Photo-2 is 9:22 p.m. Based on my training and experience, I know that time stamps on recorded communications in and out of incarceration facilities sometimes are off by an hour or more. Based on that and the content and context of these communications, I believe that Victim-1 sent Photo-2 to PETERSON after the commencement of the January 29, 2023 Jail Call described above.

take and send to him sexually explicit photos of herself.

- c. Victim-1 took and transmitted Photo-1 and Photo-2 in response to such demands from PETERSON.
- d. Victim-1 is the person depicted in Photo-1 and Photo-2.

WHEREFORE, deponent respectfully requests that DARIN PETERSON, the defendant, be imprisoned or bailed, as the case may be.

ERICA C. BUONOCORE
SPECIAL AGENT
Federal Bureau of Investigation

Sworn to before me this
___ day of March, 2023

THE HONORABLE ANDREW E. KRAUSE
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK