

UNITED STATES DISTRICT COURT
for the
DISTRICT OF NEW JERSEY

ORIGINAL FILED
SEP 17 2013
WILLIAM T. WALSH, CLERK

United States of America)
v.)
JOSEPH ANTHONY CARACCILO,)
a/k/a "Joe Crillo,")
a/k/a "Joe Grillo")

Case No. 13-mj-5629 (KMW)

Defendant(s)

AMENDED CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 2012 to in or about Aug. 2012 in the county of Atlantic in the District of New Jersey, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2423(b)	Travelling in interstate commerce for the purpose of engaging in illicit sexual conduct with another person, namely, a sexual act with a person younger than 18 years of age.

This criminal complaint is based on these facts:

See Attachment B.

Continued on the attached sheet.

Complainant's signature

Timothy M. Walsh, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

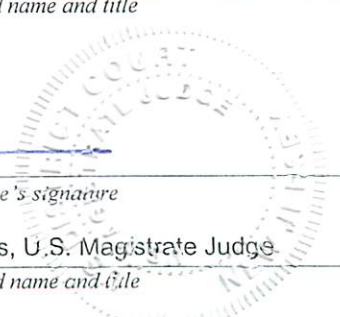
Date: 09/17/2013

Judge's signature

City and state: Camden, New Jersey

Karen M. Williams, U.S. Magistrate Judge

Printed name and title



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NEW YORK

FEDERAL BUREAU OF INVESTIGATION

ROBERT W. HARRIS
1000 ...
New York, New York

MEMORANDUM FOR THE DIRECTOR

Re: [Illegible]

On [Illegible]

[Illegible]

[Illegible]

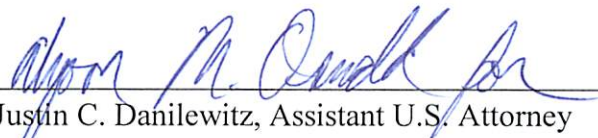
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NEW YORK
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FEDERAL BUREAU OF INVESTIGATION

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CONTENTS APPROVED

UNITED STATES ATTORNEY

By: 
Justin C. Danilewitz, Assistant U.S. Attorney

Date: September 17, 2013

ATTACHMENT A

From in or about May 2012, through in or about August 2012, in Atlantic County,
in the District of New Jersey and elsewhere, defendant

JOSEPH CARACCIOLO,

traveled from the State of New York to the State of New Jersey, and from the State of New
Jersey to the Commonwealth of Pennsylvania, for the purpose of engaging in illicit sexual
conduct with another person, namely, a sexual act with a person younger than 18 years of age.

In violation of Title 18, United States Code, Section 2423(b).

ATTACHMENT B

I, Timothy M. Walsh, having conducted an investigation and having spoken with other individuals, have knowledge of the facts set forth below. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part. Similarly, dates and times are approximations, and should be read as on or about, in or about, or at or about the date or time provided.

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and have been since November 2003. I am currently assigned to the Newark Division, Atlantic City Resident Agency, and to the South Jersey Safe Streets Violent Incident and Gang (“Safe Streets”) Task Force, a multi-agency federal, state and local violent gang task force. Prior to joining the Newark Division in January 2013, I completed a roughly one-and-a-half year temporary assignment at the FBI Headquarters as a Supervisor for the FBI’s Counterterrorism Center in McLean, Virginia. Prior to that, I was assigned to the FBI/New York Police Department Joint Terrorism Task Force (the “JTTF”). I have worked overseas with law enforcement agencies of numerous countries in terrorism-related investigations and have worked closely with other United States Government agencies in the prosecution of terrorism cases.

2. I submit this Affidavit in support of the criminal complaint and arrest warrant against Joseph Anthony Caracciolo (“Caracciolo”). As set forth below, there is probable cause to believe that Caracciolo has committed the crime of traveling across state lines – specifically, from New York to New Jersey, and from New Jersey to Pennsylvania – with the purpose of

engaging in illicit sexual conduct, including by sexually abusing a 12-year-old girl, in violation of Title 18, United States Code, Section 2423(b).

BACKGROUND TO THE INVESTIGATION

3. In or about August 2013, the FBI learned of an investigation by the Egg Harbor Township Police Department (“EHTPD”) arising from the pregnancy of a 12-year-old minor (“Victim 1”). During the course of that investigation, Victim 1, who is now 13 years old, stated that an older male – who she identified through photographs by the alias he provided of “Joe Grillo,” or “Joe Crillo” – had sexual intercourse with her repeatedly between in or about May 2012 and August 2012, at which time she was 12 years old. Based upon the individual’s birthdate, which was known to Victim 1 as XX/XX/1966, the FBI was able to confirm the true identity of the individual as Joseph Anthony Caracciolo (“Caracciolo”).

4. According to Victim 1, Caracciolo travelled from New York to her father’s home in Egg Harbor Township, New Jersey and had sexual intercourse with her at that home during his stay. Victim 1 also stated that she and Caracciolo traveled from New Jersey to the Pocono Mountains in Pennsylvania, where Caracciolo also had sexual intercourse with her.

5. Victim 1 has stated that Caracciolo is the only individual with whom she has ever had a sexual relationship.

6. After falling pregnant as a result of sexual intercourse with Caracciolo, Victim 1 gave birth to a baby girl, referred to herein as “Victim 1’s baby”, in or about April 2013.

7. Victim 1 informed law enforcement that, throughout the period of her pregnancy, she and Caracciolo remained in telephonic contact, via oral communications and text messages. Victim 1 agreed, at the request of law enforcement, to have her communications with Caracciolo monitored and recorded. Relevant excerpts from those monitored and recorded conversations, in

which Caracciolo acknowledges his paternity with respect to Victim 1's baby, are set forth below.

8. By criminal complaint and arrest warrant dated August 21, 2013, Caracciolo was charged (as "John Doe") by the Atlantic County Prosecutor's Office, in the State of New Jersey, with aggravated sexual assault of a minor younger than 13 years old, which assault was alleged to have taken place on or about July 15, 2012, in violation of New Jersey Statute 2C:14-2(a)(1). The complaint and arrest warrant was signed by New Jersey Superior Court Judge Kyran Connor upon a determination of the existence of probable cause.

9. Based upon statements that Caracciolo made to Victim 1, and the FBI's records checks, Caracciolo is now 47 years old, and was between 45 and 46 years old during the time of his sexual relationship with the then-12-year-old Victim 1.

10. Database checks further revealed that Caracciolo has a lengthy criminal history, including convictions for bigamy, failure to register as a sex offender, and larceny. Caracciolo is a wanted fugitive in California, due to his failure to register as a sex offender, and for violation of probation.

11. On or about August 26, 2013, United States Magistrate Judge Karen M. Williams ordered the installation and use of pen registers and trap and trace devices ("pen-trap devices"), pursuant to 18 U.S.C. §§ 3122-24 and 18 U.S.C. § 2703(d), on a cell phone number provided by Victim 1 (the number she knew Caracciolo used in his communications with her), as well as the acquisition of certain approximate location information for that cell phone, and other dialing, routing, and signaling information that may be associated with communications to or from the

that cell phone.¹ As set forth in the Application supporting the Pen-Trap Order, the Government sought to determine the location of the cellular telephone, and its user, Caracciolo, in furtherance of the Government's investigation into Caracciolo's violations of Title 18, United States Code, Section 2423(b).

12. In the Application for the Pen-Trap Order, the Government demonstrated, under 18 U.S.C. § 2703(d), that there were "specific and articulable facts showing that there are reasonable grounds to believe that the . . . records or other information sought, [were] relevant and material to an ongoing criminal investigation." 18 U.S.C. § 2703(d). Specifically, the Government was able to show, through the draft transcriptions of consensually recorded phone calls between Victim 1 and Caracciolo as recently as August 22, 2013, that Caracciolo acknowledged his paternity with respect to Victim 1's baby, and therefore necessarily also inculpated himself in the crime of travelling in interstate commerce for the purpose of engaging in illicit sexual conduct with a minor.

13. For example, on or about August 13, 2013, in an exchange of text messages between Victim 1 and Caracciolo over the cell phone believed to be used by Caracciolo, Caracciolo stated to Victim 1: "I really miss you so much . . . And I want to hold My [Victim 1's baby] so bad".²

¹ See In Re Application Of The United States Of America For An Order Authorizing The Installation And Use Of Pen Registers And Trap And Trace Devices And Acquisition Of Cell-Site Information For The Cellular Telephone Assigned Number (609) 325-1635 (The "Caracciolo Cell Phone"), Mag. No. 13-5626 (KMW) (Aug. 26, 2013) (hereafter, the "Pen-Trap Order").

² All transcribed communications are set forth in substance and in part and are based upon draft transcriptions.

14. In addition, on or about August 22, 2013, in a consensually monitored and recorded conversation, Victim 1 and Caracciolo had the following conversation, in which Caracciolo spoke to Victim 1 about Victim 1's baby, referring to Victim 1's baby as "our child," and "my daughter"; asked Victim 1 whether she was only speaking to Caracciolo because he is Victim 1's baby's "father"; and expressed concern that Victim 1's mother might be able to review stored text message communications between Victim 1 and Caracciolo:

Victim 1: I'm guessing you don't really want to talk right now?
Caracciolo: No, I'm guessing that, um I, . . . you know what? I already lost you so it doesn't really matter what we talk about right now We could talk about our child, how's that?
...
Caracciolo: I'm glad you and your little iPhone will be happy and whoever this guy is or this boy, whoever he is
Victim 1: I'm not with anyone
Caracciolo: if he comes near my kid if he comes near my kid, and you can listen to me good. . . .I will kill him. OK?
...
Victim 1: Are you talking about Dwayne?
Caracciolo: I'm talking about whoever is at your house.
...
Caracciolo: Let's talk about our child, OK?
Victim 1: OK. What do you want to know?
Caracciolo: I want to know when, um, I'll be going to court on Monday, so I will be fighting for her, ok, to be able to see her.
...
Caracciolo: What's the first day of school, Victim 1 for you out there?
Victim 1: Like September 6th or September 7th.
...
Caracciolo: If you do go, Victim 1, who's going to watch your baby?
Victim 1: My Mom.
Caracciolo: Really?
Victim 1: Yeah, and why do you keep saying "my baby"? You always say that and I hate that; you never say "ours" you always say mine.
...
Caracciolo: Cause you know what, Victim 1You might as well hang up on me now, honestly.
...
Victim 1: Why can't you just think of all the good times we had?
Caracciolo: I have.
Victim 1: Do you remember about the Poconos?

Caracciolo: Yeah. I have thought about everything [Victim 1], but you know what?.....

...

Caracciolo: Where's your old phone?

Victim 1: Downstairs.

Caracciolo: Right, so your mother can go through all the messages, right?

Victim 1: No. She can't. It's turned off.

Caracciolo: There's still the messages on there, right?

Victim 1: I have my pass code, the password thing.....and she doesn't.....

Caracciolo: Are all of our messages on that phone?

Victim 1: No. They're deleted.

Caracciolo: Yeah. OK.

Victim 1: Everything is all deleted. I always do that.

...

Victim 1: The only thing that's there are pictures.....of [Victim 1's baby].

Caracciolo: OK. Anything else?

Victim 1: I just want to talk to you. Why . . . are you being like this? You don't want to talk to me?

Caracciolo: No. I don't.

Victim 1: Right now or at all?

Caracciolo: At all.

Victim 1: OK. Fine.

Caracciolo: . . . I know you are with someone else and that's the way it is going to be.

Victim 1: No. I'm not.

Caracciolo: In my mind, yeah, in my mind, I believe it. OK? The way you are talking to me. Why? Because you are going to say, what? Because you're [Victim 1's baby]'s father, that's why I'm talking to you? That's the only reason you want to talk to me?.....Because I'm [Victim 1's baby]'s father?

Victim 1: No. That's not why.

Caracciolo: Why then?

Victim 1: Just cause I want to talk to you because I still want to be with you.

Caracciolo: Oh, really?

Victim 1: Yeah.

Caracciolo: Yeah..... Where's my daughter then?

Victim 1: She's right next to me sleeping.

Caracciolo: Uh-huh.....

...

Victim 1: . . . why is your family mad at you?

Caracciolo: Because of us, that's why?

Victim 1: Because they don't want us to be together? . . . Or because you had a baby with me?

...

Caracciolo: Are you still going to text me?

Victim 1: Yes.

Caracciolo: I love you [Victim 1], but I need you with me. I don't need you going to school there [Victim 1].

Victim 1: I know.
Caracciolo: Unless you want to.
Victim 1: No. I don't. I want to be with you.
Caracciolo: Are you gonna still accuse me?
Victim 1: No. I promise I won't.
Caracciolo: I love you.
Victim 1: I love you too.
Caracciolo: Were you just mad because you couldn't talk to me?
Victim 1: Yeah. And because I'm not with you . . . and . . . cause you haven't seen [Victim 1's baby].
Caracciolo: All right. I love you.
Victim 1: Love you too.
Caracciolo: Text me and . . . we'll figure out a time you could talk.
Victim 1: OK.
Caracciolo: I love you sweetheart.
Victim 1: Love you.
Caracciolo: Bye baby.
Victim 1: Bye.

15. Acting upon the New Jersey state complaint and arrest warrant referenced above, law enforcement located and arrested Caracciolo at approximately 11:00 a.m. on or about August 28, 2013. As of the writing of this Affidavit, Caracciolo is at the Atlantic County Jail on \$300,000 cash bail.