

23-MJ-8314

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Jeffrey S. Lopes, having been duly sworn, hereby depose and state:

AGENT BACKGROUND

1. I am employed as a Detective with the City of Boston (Massachusetts) Police Department. I have been employed by the Boston Police Department since 2013 and I am currently assigned to the Crimes Against Children Unit where I investigate child physical abuse, sexual abuse, and the internet exploitation of children. While employed by the Boston Police Department, I have investigated state criminal violations related to, among other things, physical and sexual abuse against children, as well as the on-line sexual exploitation of children. As part of my duties, I am authorized to investigate violations of Massachusetts laws, including criminal violations relating to child exploitation, child sexual abuse material, coercion and enticement. I have received training in the area child exploitation. Through my training and experience, I have had the opportunity to observe and review numerous examples of child sexual abuse material in all forms of media including digital media.

2. I have a Doctor of Law and Policy degree from Northeastern University. I also have a Bachelor's degree in Sociology/Crime and Justice Studies and a Master's degree in Public Administration, both from Suffolk University.

3. I have been a detective in the Crimes Against Children Unit at the Boston Police Department since April 2021. As a detective in the Unit, I am also a member of the FBI Child Exploitation Human Trafficking Taskforce where I routinely conduct joint investigations with the Human Trafficking Unit of the Boston Police Department. During those investigations, I have had an opportunity to participate in or review the interviews of various minors who are either

confirmed or suspected victims of human trafficking or child exploitation. I have also had the opportunity to participate in the execution of warrants related to human trafficking and review forensic evidence recovered while human trafficking investigations. Additionally, I have had the opportunity to participate in or review of the interviews of multiple suspected or confirmed human traffickers.

4. Since August 2021, I have been appointed as a Task Force Officer with the Federal Bureau of Investigations. As a TFO, I am authorized to investigate violations of United States laws, including but not limited to violation of 18 U.S.C. § 1591(a)(1) and 18 U.S.C. § 2251, and to execute warrants issued under the authority of the United States.

5. I have personally participated in the investigation of this case. I am familiar with the facts and circumstances of this investigation from oral and written reports made to me by other agents of the FBI, and other federal, state and local law enforcement agencies; oral and written reports from agencies referenced herein; and conversations and meetings with victims and witnesses; and my own personal participation in the investigation, including witness interviews.

PURPOSE OF AFFIDAVIT

6. This affidavit is submitted in support of applications for a criminal complaint charging MIGUEL HERNANDEZ (AKA Miguel Perez-Hernandez, AKA Miguel Gomez-Lopez) with Sexual Exploitation of Children, in violation of 18 U.S.C. §§ 2251(a) and (e), and with a warrant for his arrest.

7. This affidavit is based on my personal investigation and investigation by others, including federal and state law enforcement officials whom I know to be reliable and trustworthy. The facts contained herein have been obtained by conferring with other law enforcement officers and examining evidence obtained in the course of the investigation as well as through other means.

This affidavit does not include every fact known to me about this investigation, but rather only those facts sufficient to establish probable cause.

8. As described below, on or about May 5 or May 6, 2023, in the District of Massachusetts, MIGUEL HERNANDEZ employed, used, persuaded, induced, enticed, and coerced a minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct and knew and had reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and the 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 the visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

STATEMENT OF FACTS

9. HERNANDEZ is a 29-year-old male who currently lives in Massachusetts.
10. MINOR 2 is a 14-year-old female who lives in Massachusetts.
11. MINOR 2 was forensically interviewed on August 15, 2023, and provided information including the following:¹
 - a. MINOR 2 and HERNANDEZ met in or around April 2023. HERNANDEZ messaged her on WhatsApp after she broke up with a male known to

¹ This summary is not intended to be a complete or verbatim recounting of what was conveyed during the interview. It is intended to be merely an abridged summary of certain portions of the interview; there is other content that is not summarized herein.

HERNANDEZ and demanded to know the reason for the breakup.² HERNANDEZ subsequently asked MINOR 2 to meet up with him, which they did.

- b. MINOR 2 told HERNANDEZ that she was 14 years old, and HERNANDEZ told MINOR 2 that he was 25 years old.³
- c. After she met HERNANDEZ in person, MINOR 2 began to spend time with HERNANDEZ and his friends.⁴

12. An Android cellular device belonging to MINOR 2, which was obtained via consent, contained WhatsApp messages between MINOR 2 and HERNANDEZ. In one WhatsApp message, dated May 5, 2023, HERNANDEZ writes to MINOR 2, “I like you little girl.”

13. On June 1, 2023, HERNANDEZ was placed under arrest by Boston Police on state felony charges, including inducing a minor into prostitution and sexual conduct with a child under 18.

14. After HERNANDEZ was arrested and while he was seated in a Boston Police Department marked cruiser, two cell phones were seized from his person. Those devices travelled with HERNANDEZ to court and ultimately to the Nashua Street Jail.

² I am aware that WhatsApp is a private messaging and calling application that advertises itself as a platform on which users can message privately with end-to-end encryption that adds additional layers of protection to all conversations. WhatsApp provides for Chat lock features to password protect personal chats, disappearing messages to control how long messages remain on the platform before disappearing. WhatsApp can be accessed on Android devices, iPhones, Mac computers, PC, and on the internet.

³ MINOR 2 later learned that HERNANDEZ was older when she saw an identification card that included his date of birth.

⁴ During the interview, MINOR 2 denied being in a relationship with HERNANDEZ and stated that he was interested in a friend of hers, who is also a minor (MINOR 1).

15. Based in part of the foregoing information, on August 22, 2023, this Court issued a search warrant for HERNANDEZ's devices. The devices seized from HERNANDEZ were a black Samsung⁵ phone and Black Apple⁶ iPhone.

16. During law enforcement's forensic review of HERNANDEZ's devices, they identified photos and a video of MINOR 2 on the Samsung device.

17. Four photos capture HERNANDEZ and MINOR 2 from the waist up, laying side by side. HERNANDEZ has no shirt on and MINOR 2 appears to be covering her unclothed chest with a blanket. The photos are taken on a bed with blue, pink bedding items and a greenish blue pillow. The room has yellow walls, a fan near the top of the bed and shows a floor heater along the bottom of the wall. The photos were last modified on May 5, 2023 from 8:36pm (UTC-4) to 8:38pm (UTC-4).

18. That device also contained a video of HERNANDEZ having sex with a female with MINOR 2's physical features (hair color and style and skin complexion), although her face is not shown in that video. The female is nude and on top of HERNANDEZ and her buttocks are shown. The video captures his penis going in and out of her. The location appears the same as that captured in the photos last modified on May 5, 2023. Metadata indicates this video was modified on May 6, 2023 at 6:38pm (UTC-4) and deleted on May 6, 2023 at 7:05pm (UTC-4).

19. It appears from the video that HERNANDEZ is holding the device and recording from it during the sex act. The angle of the video, and the fact that it resides in HERNANDEZ's phone, suggests it was created by the camera on the device seized from HERNANDEZ.

⁵ Samsung Group is headquartered in Suwon, South Korea.

⁶ Apple Inc. is headquartered in California.

20. Based on my review of the video and its metadata, my review of the photos depicting HERNANDEZ and MINOR 2, my familiarity with MINOR 2's appearance, and my training and experience, I believe the female having sex with HERNANDEZ in the video is MINOR 2, and that this video depicts sexually explicit conduct between HERNANDEZ and MINOR 2.

21. Additional photos of MINOR 2 were found on the Apple iPhone seized from HERNANDEZ. In two photos, MINOR 2 appears nude from at least the waist up, with her arm and what appears to be another person (face out of view) covering her unclothed breasts. Metadata indicates the photos were created on May 29, 2023 at 11:32am (UTC-4) and 11:33am (UTC-4). In another picture, that metadata indicates was taken on May 29, 2023 at 11:35am (UTC-4), HERNANDEZ and MINOR 2 are next to each other and her arm is covering her unclothed breasts and around HERNANDEZ's neck.

22. MINOR 2's device also contained photos and videos of her with HERNANDEZ. In four photos, HERNANDEZ's arms are wrapped around MINOR 2, with HERNANDEZ's hands on MINOR 2's (clothed) breasts. There are also images of HERNANDEZ hugging and lifting MINOR 2. In a video, HERNANDEZ stands behind MINOR 2 and squeezes her (clothed) breasts repeatedly and she squeezes a squishy ball. He appears to kiss the side of her neck at the end of the video. The photos and videos were identified in a trash space on MINOR 2's device and last modified on June 2, 2023 (when HERNANDEZ was already in custody), which suggests that June 2, 2023 is the date they were deleted on the device.

23. Forensic review of the seized mobile devices remains ongoing.

CONCLUSION

24. Based on the foregoing, there is probable cause to believe that, on or about May 5 or 6, 2023, HERNANDEZ employed, used, persuaded, induced, enticed, and coerced a minor (MINOR 2) to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, and attempted to do so, and knew and had reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and the 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 the visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

25. I therefore respectfully request that the Court issue a criminal complaint charging HERNANDEZ with violating 18 U.S.C. §§ 2251(a) and (e) (Sexual Exploitation of Children) and issue a warrant for his arrest.

Jeffrey S. Lopes /by Paul G. Levenson
Jeffrey S. Lopes
Boston Police Department

Attested to by the applicant in accordance
with the requirements of Fed. R. Crim. P. 4.1
by phone, on this 22nd day of September 2023,
at Boston, MA.


HONORABLE PAUL G. LEVENSON
UNITED STATES MAGISTRATE JUDGE

