
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**
 :
 v. : Hon. Zahid N. Quraishi
 :
 EDUARDO SILVA : Mag. No. 20-14034
 :

I, Nicholas Tranchitella, the undersigned complainant being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations and that this complaint is based on the following facts:

SEE ATTACHMENT B

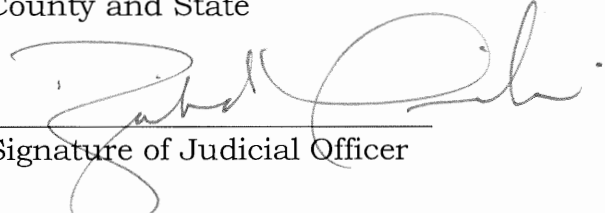
S/ Nicholas Tranchitella
Nicholas Tranchitella, Special Agent
Homeland Security Investigations

Special Agent Nicholas Tranchitella attested to this Complaint by telephone pursuant to F.R.C.P. 4.1(b)(2)(A)

September 23, 2020 at 1:05 p.m.
Date

at District of New Jersey
County and State

HONORABLE ZAHID N. QURAISHI
UNITED STATES MAGISTRATE JUDGE


Signature of Judicial Officer

ATTACHMENT A

Count One

Use of Interstate Commerce to Entice

From on or about September 5, 2020 through on or about September 23, 2020, in the District of New Jersey, in the Southern District of New York, and elsewhere, the defendant,

EDUARDO SILVA,

did knowingly use a facility and means of interstate commerce, specifically a cellular device and the Internet, to knowingly persuade, induce, entice, and coerce an individual, believed not to have attained the age of eighteen years, to engage in any sexual activity for which any person can be charged with a criminal offense, and attempted to do so.

In violation of Title 18, United States Code, Section 2422(b) and Title 18, United States Code, Section 2.

Count Two
Travel with the Intent to Engage in Illicit Sexual Conduct

On or about September 23, 2020, in the District of New Jersey and elsewhere,
the defendant,

EDUARDO SILVA,

did knowingly travel in interstate commerce from New York to New Jersey, for the purpose of engaging in any illicit sexual conduct, that is sexual conduct, as that term is defined in 18 U.S.C. 2246, with another person believed to be under the age of eighteen, which sexual conduct would constitute a violation of Title 18, United States Code, Chapter 109A.

In violation of Title 18, United States Code, Section 2423(b) and Title 18, United States Code, Section 2.

Count Three
Transfer of Obscene Matters to a Minor

From on or about September 5, 2020 through on or about September 23, 2020, in the District of New Jersey, in the Southern District of New York, and elsewhere, the defendant,

EDUARDO SILVA,

did use the Internet, a facility and means of interstate or foreign commerce to knowingly attempt to transfer obscene matters to an individual who the defendant believed to be under the age of sixteen, that is, he believed to be a thirteen year old female, knowing that such female individual had not attained the age of sixteen.

In violation of Title 18, United States Code, Section 1470 and Title 18, United States Code, Section 2.

ATTACHMENT B

1. I, Nicholas Tranchitella, am a Special Agent with the Department of Homeland Security, Homeland Security Investigation (“HSI”). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and photographs of the evidence. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

THE INVESTIGATION

2. On or about September 5, 2020, an HSI agent, while acting in an undercover capacity on a social media application (hereinafter, the “UCA”), received a private message from a username, “jdbxnyc88.”¹ The UCA posed as a thirteen-year-old female located in the area of Bordentown, New Jersey. The username “jdbxnyc88” stated that his name was Edwin, from the Bronx, New York and he was thirty-five years old. The username “jdbxnyc88” texted a photo to the UCA and stated, “[are] you into older guys?”² The UCA responded and provided her cell phone number to “jdbxnyc88.” Minutes later, a phone number ending in 9443 texted the UCA’s phone number and stated, “[h]ey, it’s Edwin...”

3. Law enforcement obtained the subscriber information of the phone number ending in 9443, which revealed that an individual named Eduardo SILVA, residing in the Bronx, New York is the account holder. A search of a publicly available database also revealed photographs of SILVA, which matched the description of the photograph sent by username “jdbxnyc88” on September 5, 2020 to the UCA. Additionally, a search of this publicly available database listed the phone number ending in 9443 for SILVA.

¹ Further investigation revealed that the username “jdbxnyc88” was also a member of a social media group with a display name of “New York Teens Dating Hangout.” On September 18, 2020, SILVA admitted that he first noticed the UCA’s screen name in the New York Teens Dating Hangout chatroom. He further admitted to viewing the UCA’s age-regressed profile picture and stated, “I saw your pic and was like she’s cute let me see.”

² Notably, the social media application indicated that the picture was a “live photo,” suggesting that the picture was taken at the time of the text messaging conversation.

a. Probable Cause for Title 18, U.S.C., §§ 2422(b) enticement, and 2423(b) travel with intent to engage in illicit sexual conduct.

4. On or about September 5, 2020, SILVA initiated a conversation, via social media application, with the UCA. The following is an excerpt of that communication:

SILVA: "I'm Edwin from the Bronx"
SILVA: "Hope we can chat when you're free"
UCA: "Hey I'm Sophia"
SILVA: "Where you from and how old are you"
UCA: "13 live in bordentown nj"
UCA: "hbu"³
SILVA: "Oh lol"⁴
SILVA: "I'm from the Bronx and old"
SILVA: "You into older guys"

5. On or about September 6, 2020, SILVA asked "What grade you in," and the UCA responded, "8th." SILVA then commented, "Ight cool so you senior in Junior high." The UCA affirmatively responded and SILVA stated, "Lol seniors rule!"

6. The content of the messaging confirms SILVA's knowledge that he was communicating with a minor, specifically, the UCA posing as "Sophia," a thirteen-year-old girl from Bordentown, New Jersey. Since the inception, SILVA believed that the UCA was a thirteen year old, 8th grader, in junior high school. SILVA also admitted to seeking out the UCA by stating that he saw her profile picture and thought she was "cute." Right after their initial introduction, SILVA began complementing the UCA stating, "[s]o pretty I'm sure tons of guys are after you." SILVA further stated, "...you need a mature older guy...not saying any names (cough) Edwin (cough)."

7. From on or about September 5, 2020 through on or about September 23, 2020, SILVA routinely communicated with the UCA via text messages and through a social media application (hereinafter the "text communications"). In each of these text communications, SILVA used the username "jdbxnyc88" and phone number ending in 9443. In the text communications, SILVA described in explicit details the sexual acts that he hoped to perform on "Sophia." Specific examples of SILVA's intention to engage in sexual activity with a minor are set forth in this affidavit..

8. The following is an excerpt of the text communications that took place between SILVA and the UCA on or about September 5, 2020:

³ I know that the term "hbu" is an abbreviation for "how about you?"

⁴ I know that the term "lol" is an abbreviation for "laughing out loud."

SILVA: I mean have you had sex
UCA: Oooo...
UCA: Nope
SILVA: lol ight just wondering...
SILVA: Jesus would love to see you for sure
SILVA: Do anything to please you
UCA: lolol is that ok kinda embarrassing
UCA: cool me2
SILVA: Not embarrassing most guys love that
SILVA: lol can't lie wish you were here m

9. Minutes later, SILVA escalated the text communications stating: “[I] would love for you to sit on my face and ride my tongue lol.” The UCA later responded, “I just don’t kno how to do a lotta stuff tbh.”⁵ SILVA immediately replied, “[t]hat’s ok you can practice”. SILVA further stated, “take your time and see what you like” and “Ngl I would love to have sex with you.”⁶ SILVA then sent an unsolicited photograph of his penis to the UCA and stated “[y]ou like.” SILVA further stated, “you think you can handle it in” referring to the photograph of his penis. SILVA continued and stated, “I want to feel those lips on my cock.”

10. The following is portion of text communications between SILVA and the UCA that transpired on or about September 6, 2020:

SILVA: “Would love to get you some outfits do you can wear them for me”
SILVA: “Can’t stop thinking about you”
UCA: “Oooo like wut kinda outfits”
SILVA: “Something cute but also something sexy”
SILVA: “Maybe an outfit to roleplay in”
SILVA: “and some thongs”

11. The following is portion of text communications between SILVA and the UCA that transpired on or about September 18, 2020:

SILVA: “Dam I stay jerking it for you’
UCA: “Lolol u do”
SILVA: “Yeah”
SILVA: “I’m so horny for you”
UCA: “idk y”
SILVA: “Cause you’re so beautiful and sexy I can’t wait to meet you and actually be able to kiss you finally”
UCA: “Yaa be cool 2meet”

⁵ I know that the term “tbh” is an abbreviation for “to be honest.”

⁶ I know that the term “ngl” is an abbreviation for “not gonna lie.”

UCA: "Ty"
SILVA: "Yeah I need my sexy model lol"
SILVA: "See you wearing those things"
UCA: "What things thought jus the panties u getting me"
SILVA: "I'm getting you some fishnet body suits too"
UCA: "Cool...That's a lot to get me"
SILVA: "You giving me a lot too"
UCA: "Wut u mean"
SILVA: "You're having sex with me"
UCA: "Ooooo lolol"
SILVA: "Giving me your viginity"

12. From on or about September 5, 2020 through on or about September 23, 2020, SILVA sent text communications to the UCA requesting that she provide him with a picture of herself. The UCA sent SILVA age-regressed photographs of herself using a photo-editor application to give the appearance of a thirteen-year-old girl. On September 5, 2020, after receiving a picture of the UCA's face, SILVA responded, "Dam girl can't front I wanna kiss you...I'll be so hard when I first see you."

b. Probable cause for Title 18, U.S.C., §1470, transfer of obscene materials to a minor.

13. On or about September 5, 2020, September 8, 2020, September 13, 2020, September 15, 2020, September 17, 2020, and September 22, 2020, SILVA sent explicit photographs and/or videos including pictures of himself, pictures of his penis, and videos of himself masturbating. On September 13, 2020, SILVA sent a picture of his penis with his face partially visible in the background. On September 15, 2020, SILVA sent multiple videos of himself masturbating and stated, "[t]hat's going in you very soon." SILVA further stated, "I'm so horny I wanna get a lil rough." When the UCA asked what he meant by that, SILVA explained, "I mean that I might go a lil harder while in bed and spank you or pull your hair." On September 19, 2020, SILVA sent a photograph of a vibrator that he intends to buy for the UCA and stated, "[c]ool would love to watch you using it."

14. On September 21, 2020, SILVA sent a screenshot of the name and address of the motel that he intended to take the UCA to. Below is an excerpt of the text communications between SILVA and UCA:

SILVA: "I wanna go see you bad"
UCA: "wuz thinkin u didnt tbh"
SILVA: "Why not"
SILVA: "Why would I message you if I didn't wanna see you"
SILVA: "Why would I be looking up hotels and train tickets and all this other stuff"

15. On September 22, 2020, SILVA stated, "What you want to with me in the hotel I need to see you write it." SILVA then said, "Tell me what you want to do with me." The UCA replied, "omg u not even coming tho" and SILVA said, "Say it." The UCA answered, "Idk like stuff we talked about with the big girl panties u gona buy me n tryin sex." Within seconds, SILVA stated, "I'm coming tomorrow." SILVA sent a screenshot of the train tickets he purchased via the NJ Transit application showing a round trip ticket from New York to Trenton. SILVA also stated that he intended to take a cab from Trenton to the motel located in Bordentown, New Jersey ("Bordentown Motel"). On the same date, through a subpoena, law enforcement obtained an invoice from the Bordentown Motel, which shows that SILVA booked a room for September 23, 2020 and used the telephone number ending in 9443 to do so.

16. On or about September 23, 2020, SILVA traveled from New York City, Penn Station to Trenton, New Jersey, via New Jersey Transit. SILVA then traveled from Trenton, New Jersey to the Bordentown Motel. SILVA checked in to the Bordentown Motel and paid for the room in cash. Thereafter, law enforcement officers identified and arrested SILVA.

17. Based on my training and experience as well as the investigation to date, I have probable cause to believe that SILVA traveled from New York to the Bordentown Motel for the purpose of engaging in sexual activity with an individual he believed to be a thirteen-year-old female.