

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America
v.

THOMAS ZAYAS

Case No.

6:22-mj- 1132

Defendant(s)

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 July 5, 2021 to August 23, 2021 in the county of Orange in the Middle District of Florida, the defendant(s) violated:

Code Section
18 U.S.C. § 2251(a)

Offense Description
Sexual exploitation of children

This criminal complaint is based on these facts:

See the attached affidavit.

Continued on the attached sheet.



Complainant's signature

Kevin L. Kaufman, Special Agent, FBI

Printed name and title

Sworn to before me via Zoom and/or telephone conference and signed by me pursuant to Fed. R.Crim. P. 4.1 and 41(d) (3).

Date:

2/18/22



Judge's signature

City and state:

Orlando, Florida

Leslie Hoffman Price, U.S. Magistrate Judge

Printed name and title

STATE OF FLORIDA

CASE NO. 6:22-mj- 1132

COUNTY OF ORANGE

AFFIDAVIT

I, Kevin L. Kaufman, being duly sworn, do hereby depose and state as follows:

1. This affidavit is submitted in support of a criminal complaint against THOMAS ZAYAS (ZAYAS) for a violation of 18 U.S.C. § 2251(a). I believe there is probable cause that from on or about July 5, 2021 to on or about August 23, 2021, ZAYAS knowingly employed, used, persuaded, induced, enticed, or 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 and affecting interstate and foreign commerce, and such visual depiction had actually been transported and transmitted using any means and facility of interstate and foreign commerce, including by computer, and in and affecting interstate and foreign commerce.

2. I have been employed as a Special Agent with the Federal Bureau of Investigation (FBI) for the past 17 years. I am currently assigned to the Tampa Division, Orlando Resident Agency of the FBI. I have been investigating crimes against children since 2016.

3. I have received specialized training in the investigation of sex crimes, child exploitation, child pornography, and computer crimes. I have been involved in investigations involving child pornography and online solicitation/ enticement of a minor. I have participated in investigations of persons suspected of violating federal child pornography laws, including 18 U.S.C. §§ 2251(a) and (e), 2252, and 2252A. I have also participated in various training courses for the investigation and enforcement of federal child pornography laws in which computers and cellular phones are used as the means for receiving, transmitting, and storing child pornography. Additionally, I have participated in the execution of search warrants involving searches and seizures of computers, computer equipment, software, and electronically stored information.

4. I make this affidavit from personal knowledge based on my participation in this investigation, information from other criminal investigators, information from other law enforcement officers, information from agency reports, and my review of documents provided to me by these witnesses and law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of a criminal complaint, I have not set forth each and every fact learned during the course of this investigation.

STATUTORY AUTHORITY

5. It is a violation of 18 U.S.C. § 2251(a) to employ, use, persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for the purpose of

producing a visual depiction of such conduct, knowing or having reason to know that such visual depiction will be transmitted using a means and facility of interstate commerce and such visual depiction has actually been transported and transmitted using any means and facility of interstate and foreign commerce, including by computer, and in and affecting interstate and foreign commerce.

DEFINITIONS

6. The following definitions apply to this Affidavit:

a. “Child Pornography,” as used herein, includes the definition in 18 U.S.C. § 2256(8), which defines child pornography as any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct. *See* 18 U.S.C. §§ 2252 and 2256(2).

b. “Sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person. *See* 18 U.S.C. § 2256(2).

DETAILS OF THE INVESTIGATION

7. On August 24, 2021, Orange County Sheriff Office School Resource Officer Justin Patrick was contacted by the principal of an Orange County middle school (hereinafter, "the Middle School"). The principal contacted Deputy Patrick to report an incident she learned of through a parent of a former middle-school student. The parent informed the principal that she received a text message containing an inappropriate photo of a current female student who attends the Middle School. The parent believed the message was intended for her daughter who sometimes used her cellular phone to text her friends. The principal requested a copy of the text message.

8. After reviewing the message, the principal identified the individual in the photo as a 12-year-old female student at the Middle School (the Child Victim, hereinafter referred to as CV). The principal stated the message she reviewed contained a collage depicting a photo of CV posing topless, as well as a nude image of a female child believed to be the CV with her legs spread opened. The message that accompanied the collage stated that CV had a sexually transmitted disease and was spreading it to multiple boys.

9. Upon receiving this information, Deputy Patrick contacted CV. At the time CV was contacted, CV was unaware that the image had been circulated. CV provided further insight as to how and why the images were produced. Sometime in July, CV received a text message via a chat application from someone named "Romeo." CV began communicating with "Romeo," who was later identified as ZAYAS. For approximately two weeks, "Romeo" told CV that he liked her. CV

informed “Romeo” that she did not feel the same way and stopped talking to “Romeo.”

10. CV stated that soon after CV stopped talking to “Romeo,” CV received a text message from a different person claiming to be named “Millie,” “Romeo’s” sister. “Millie” was later determined to be ZAYAS. At first, “Millie” was mean to CV. “Millie” threatened to hurt CV because CV stopped talking to “Romeo.” “Millie” told CV that she knew where CV lived and sent a photo of CV’s apartment complex and a photo of a 2019-2020 yearbook from the Middle School containing CV’s picture. Based on the numerous threats to harm CV, CV agreed to reengage “Romeo.”

11. As the conversation continued with “Millie,” the conversation between “Millie” and CV turned sexual in nature. During these conversations, “Millie” requested several nude images/videos of CV performing sexual acts on herself. “Millie” instructed CV as to what CV was supposed to do in the images/videos CV produced for “Millie.” Throughout the conversation, “Millie” constantly demanded that CV produce nude images/videos of herself and put time constraints on the requests. When CV did not comply with “Millie’s” requests, “Millie” became hostile towards CV, threatening to expose her with the nude videos/images CV had already sent “Millie.” CV stopped talking to “Millie.”

12. CV’s mother was able to retrieve several text messages from the conversations that CV had with “Romeo” and “Millie.” Within those conversations, CV’s mother was able to save the photographs that were sent by ZAYAS, as both

“Romeo” and “Millie,” to CV. However, the nude images/videos initially taken and sent by CV were deleted by CV’s mother. CV’s mother provided two telephone numbers from which “Romeo” communicated with CV. (xxx) xxx-0033 was used to communicate with CV via WhatsApp, and (xxx) xxx-6072 was used to communicate with CV via text messages.

INTERVIEW OF CV

13. On September 1, 2021, OCSO Detective Eddie Turso conducted a recorded interview of CV. During the interview, CV stated she was befriended by “Romeo,” who contacted her via WhatsApp. CV indicated that WhatsApp is an application which uses an individual’s telephone number to contact other users. CV asked “Romeo” how “Romeo” obtained CV’s phone number. “Romeo” told CV that she was a friend of his sister’s friend, so “Romeo” asked the friend for CV’s number.

14. CV asked who the friend and his sister were, but “Romeo” did not answer. “Romeo” and CV began talking for a few weeks. CV advised she grew tired of “Romeo” because of his romantic advances and stopped communicating with “Romeo.” CV blocked “Romeo” because she did not want to be friends with him. CV explained that “Romeo” told CV he wanted to date CV, but she was not interested in dating. CV never saw “Romeo” in person. CV only saw a profile picture, which CV believed to be “Romeo.” CV described the profile picture as a male with a medium skin tone and dark eyes. In the picture, “Romeo” had short

hair. CV was unable to estimate his age via the picture but believed “Romeo” was fifteen to sixteen years old.

15. A few days later, CV received text messages from “Millie.” “Millie” identified herself as “Romeo’s” sister and threatened to physically hurt CV for having ended her “relationship” with “Romeo” and breaking his heart. CV advised that she was never in a relationship with “Romeo” and did not know why “Millie” was threatening CV. “Millie” told CV she could avoid being beaten up if CV would unblock “Romeo” and date him. CV explained that she eventually gave into “Millie’s” threats and friended “Romeo” again. CV told “Millie” she was willing to be friends with “Romeo” again but was still not willing to date him. When CV befriended “Romeo” again, CV told him of “Millie’s” threats.

16. “Romeo” sent CV a picture of “Millie” and informed CV that “Millie” was an MMA fighter. “Romeo” told CV that “Millie” would not hurt CV as long as she did not break his heart. “Millie” sent CV an image of CV’s best friends and a picture of CV’s neighborhood. CV believed these were sent to her to show her that “Millie” knew where CV lived. CV advised that she was in fear of “Millie.” As CV continued texting “Millie,” CV told “Millie” that she believed “Millie” was pretty. “Millie” asked CV if she was into girls and CV informed “Millie” that she was not into girls but believed “Millie” was pretty. According to CV, CV told “Millie” she was pretty in order to get on “Millie’s” good side and to avoid getting beaten up.

17. “Millie” began to text CV in a sexual tone and told CV she liked her as well. “Millie” began asking CV for “nudes.” CV initially refused to send “Millie”

any nude pictures of herself because CV believed “Millie” was going to use the photographs against CV by potentially posting the pictures of CV on the internet. “Millie” promised CV that she was not going to harm CV by using the images against CV. CV eventually sent “Millie” nude images and a video of her masturbating. After this, CV felt uncomfortable and told “Millie” she was not going to send any more images. CV explained that she received flowers from “Millie,” which were delivered to her school. CV advised that “Millie” told CV about the flowers before they were delivered.

IDENTIFICATION OF THE SUBJECT

18. Law enforcement conducted a records check on the phone number belonging to “Romeo,” (XXX) XXX-6072. The records check identified a report from the Citrus County Sheriff’s Office from 2019 in which ZAYAS listed his number as (XXX) XXX-6072.

19. During the investigation, OCSO obtained CV’s cellular telephone which contained the text messages between CV and “Romeo,” and CV and “Millie.” OCSO investigators located a message that was sent to CV on August 12, 2021, from “Millie.” The message stated “...since I can’t surprise you like normal people I’m going to send you ss of what your going to get tomorrow so be in the lookout.” “Millie” then sent CV two screenshots. The first screenshot was of an invoice for flowers. The invoice listed the billing address as 624 Creekwood Drive, Orlando, Florida and a billing phone number of (XXX) XXX-0978. The second screenshot

was of an image that contained a flower bouquet. On August 14, 2021, CV sent “Millie” an image of herself holding the flowers that “Millie” had sent her.

20. The Middle School records indicated that the flowers that CV received were from a florist shop located in Winter Park, Florida. OCSO contacted the florist and discovered that the flowers were ordered online. The florist provided a receipt of the purchase and indicated that the order was placed using IP address 150.130.7.10 (the Target IP). Additionally, the receipt listed the customer’s billing address as 624 Creekwood Drive, Orlando, Florida.¹ To date, ZAYAS resides at 634 Creekwood Drive, Orlando, Florida.

21. OCSO researched the Target IP address through open-source checks and discovered that the Target IP address belongs to the Department of Veteran Affairs (VA). OCSO contacted VA Criminal Investigator John Hamblett. Investigator Hamblett confirmed that ZAYAS is employed at the VA. Investigator Hamblett indicated that ZAYAS was issued a department issued laptop. Based on the information received, OCSO and Investigator Hamblett contacted the Office of the Inspector General (OIG). OIG was able to remotely access ZAYAS’s department-issued laptop and search ZAYAS’s web browser history. The search of the browser history revealed that ZAYAS accessed the Winter Park florist’s website on August 11 and 13, 2021.

¹ ZAYAS may have listed an address that was 10 digits off from his own in order to avoid detection.

**INTERVIEW OF THOMAS ZAYAS AND
FORENSIC REVIEW OF ZAYAS'S CELLULAR TELEPHONE**

22. Based on the information above, on January 18, 2022, the OCSO obtained a state search warrant to search ZAYA'S residence, located at 634 Creekwood Drive, Orlando, Florida. On January 18, 2022, OCSO executed the state search warrant on the residence and contacted ZAYAS. After providing ZAYAS his *Miranda* rights, OCSO interviewed ZAYAS. The majority of this interview was captured on video/audio recording.

23. While being recorded, ZAYAS denied interacting with CV. ZAYAS denied sending flowers to CV using his work computer. ZAYAS stated he did not know who "Millie" or "Romeo" were. After the recorded interview ended, ZAYAS admitted to using "Romeo" and "Millie" to entice and solicit images and videos from CV. ZAYAS stated "I'm a pathetic loser," and stated that he had not had a date in six years since his wife left him. ZAYAS stated that the enticement started out as a joke, but when CV cut "Romeo" off, ZAYAS felt he needed to teach CV a lesson. ZAYAS created "Millie" to teach CV a lesson. ZAYAS was asked why he sent out the collage containing photographs of CV. ZAYAS stated that this was a stupid idea and that he would have never met CV in person.

24. During the search of ZAYAS's residence, law enforcement located several electronic devices, to include a Samsung 920 cellular telephone. A forensic review of the Samsung 920 was conducted by OCSO Digital Forensic Investigator (DFI) James Montgomery. During the review, DFI James Montgomery located a

“Text Free” account in which ZAYAS had used his own name to sign up for a premium account. The premium account allowed ZAYAS to be assigned and maintain a separate phone number throughout the time his premium account was active. It is believed ZAYAS created the Text Now account in order to chat with CV as “Millie” utilizing a phone number distinct from that belonging to “Romeo.” This was confirmed by ZAYAS during his interview with law enforcement. The “Text Free” chats between CV and “Millie” were located on ZAYAS’s Samsung 920.

FORENSIC REVIEW OF CV’S CELLULAR TELEPHONE

25. A forensic review of CV’s cellular telephone located CV’s text exchanges between CV and “Romeo,” and CV and “Millie.” A review of the text messages verified that CV sent nude images and videos to “Millie,” in which CV’s vagina and breasts were exposed to the camera. For example, on July 31, 2021, “Millie” requested CV to send an image of CV’s vagina. As the conversation continued, CV sent a text message that read “I hope you like it baby it’s all for you.” “Millie” responded, “Omg babe your pussy looks so fucking cute I want to suck on that for the entire night and your tits are so gorgeously sexy I love seeing your hair wet and your lips I can suck on them I got to masturbate to you right now I can’t freaking wait I’m going to finger myself so fucking hard that I wish it was your tongue in me ah I love you can you send the video to my WhatsApp for some reason it doesn’t let me save it to my personal file and I’m going to send you a hot sex talk text I miss the talk.”

26. On August 1, 2021, as the conversation continued, “Millie” requested that CV produce a video stating, “Dam babe I want a video of you fingering yourself and hearing you say my name while you come...” CV responded, “...i’ll send you a video later as I’m fingering myself and cumming as I’m moaning your name millie isn’t it.” CV did not send “Millie” a video on that day. On August 2, 2021, however, “Millie” continued to request that CV produce a video of CV masturbating. At approximately 9:46 pm (UTC), CV sent a message stating, “there.” “Millie” responded, “4 seconds babe...you was suppose to say my name why you messing with me.”

27. During the forensic review of CV’s cellular telephone, a 26 second video was located. In the video a female is masturbating and digitally penetrating her vagina. The video is a close up and the female’s face is not observed. On February 16, 2022, OCSO Detective Turso met with CV and showed CV this video. CV stated that she produced the video and sent the video to “Millie” during their conversation. The 26-second video CV produced was discovered on both ZAYAS’s cellular telephone and CV’s cellular telephone.

CONCLUSION

28. Based on the above, there is probable cause that from July 5, 2021 to August 23, 2021, in the Middle District of Florida, Thomas ZAYAS knowingly employed, used, persuaded, induced, enticed, or 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 will be

transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and such visual depiction has actually been transported and transmitted using any means and facility of interstate and foreign commerce, including by computer, and in and affecting interstate and foreign commerce, in violation of 18 U.S.C. § 2251(a).



Kevin Kaufman
Special Agent
Federal Bureau of Investigation

Affidavit submitted by email and attested to me as true and accurate by Zoom/video conference consistent with Fed.R.Crim. P. 4.1 and 4(d) this 18th day of February, 2022.



LESLIE HOFFMAN PRICE
United States Magistrate Judge