

JDL:TJS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICAN

- against -

VERNON LYTHCOTT,

Defendant.

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COMPLAINT

M. No. _____

(T. 18, U.S.C., §2423(c))

EASTERN DISTRICT OF NEW YORK, SS:

Karine Stewart, being duly sworn, deposes and states that she is a Special Agent with the Department of Homeland Security, Homeland Security Investigations (“HSI”), duly appointed according to law and acting as such.

On or about and between December 28, 2013 and January 9, 2014, within the extraterritorial jurisdiction of the United States, the defendant VERNON LYTHCOTT, being a United States citizen, did travel in foreign commerce and engage in illicit sexual conduct with another person.

(Title 18, United States Code, Section 2423(c)).

The source of your deponent’s information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (“HSI”). I have been employed by HSI since 2004. I have been assigned to investigate violations of criminal law relating to the sexual exploitation of

¹ Because this complaint is submitted for the limited purpose of establishing probable cause, I have not set forth each and every fact learned during the course of the investigation.

children. I have gained expertise in this area through training in classes and daily work related to these types of investigations.

2. I have personally participated in the investigation of the offenses discussed below. I am familiar with the facts and circumstances of this investigation from: (a) my personal participation in this investigation, (b) reports made to me by other law enforcement authorities, and (c) reports made by victims of the charged offense.

3. In early January 2014, an investigator with HSI located in the Dominican Republic received information that an American tourist had engaged in sexual acts with two fifteen-year-old girls in the Dominican Republic (collectively, the "Victims"). A forensic interviewer with HSI subsequently interviewed both Victims. In sum and substance and in part, the Victims indicated that on or about January 4, 2014 they had been approached by a Dominican man ("Subject 1") at a park near a beach in Santo Domingo, Dominican Republic and asked if they would like to come with him. Subject 1 implied that they would receive money or gifts for coming with him. When the Victims agreed, they followed Subject 1 to a van, in which there was another Dominican man ("Subject 2") and an American, who was later identified as VERNON LYTHCOTT.

4. Subject 1 asked the Victims their ages. They each replied truthfully that they were 15 years old. Subject 1 then said something in English to LYTHCOTT. The Victims then got in the van and drove away from the beach. On the way to a beach in Boca Chica, Dominican Republic, Subject 1 stopped the van and picked up another young Dominican girl. They also stopped to get alcohol. They all then went to the beach where LYTHCOTT had sexual intercourse with the Victims in the water. Following that, they then went to a hotel where

LYTHCOTT had sex with both Victims again. Following that incident, Victim 1 was taken to another room by Subject 1, where she was sexually assaulted by Subject 1, Subject 2, and another Dominican man. The Victims also indicated that LYTHCOTT had provided them with \$80 in United States currency.

5. The Victims also reported that during the course of that night, they had used VERNON LYTHCOTT's cellular telephone to check their Facebook accounts and had also "friended" LYTHCOTT on Facebook. The Victims also indicated that LYTHCOTT used his phone to take at least one photograph. LYTHCOTT also used an application on his phone to translate sexual instructions from English to Spanish. In addition, the Victims indicated that they saw a picture of a young girl naked on LYTHCOTT's phone. One of the Victims described the phone as a Samsung cellular telephone.

6. Victim 2 also reported that on or about January 5, 2014, she heard a conversation between Subjects 1 and 2 in which they discussed the fact that LYTHCOTT would have to be taken to Punta Cana Airport because his flight from Santiago Airport was cancelled due to a snow storm in the United States.

7. Dominican law enforcement was able to identify LYTHCOTT after viewing the Facebook accounts of the Victims. The Victims were each showed a photo array containing LYTHCOTT and identified him as the American man they had had sexual relations with.

8. I have received records maintained by Customs and Border Protection which show that VERNON LYTHCOTT traveled from John F. Kennedy International Airport in Queens, New York to Santo Domingo, Dominican Republic on December 28, 2013 and returned

from Punta Cana, Dominican Republic to John F. Kennedy International Airport on January 7, 2014. The records also show that LYTHCOTT was previously scheduled to depart the Dominican Republic on January 4, 2014, but that the flight was canceled.

9. On May 2, 2014, LYTHCOTT booked another flight to the Dominican Republic departing on May 9, 2014. On May 9, 2014 agents intercepted LYTHCOTT on the jetway immediately before he boarded his flight. LYTHCOTT was transported to HSI's office at John F. Kennedy International airport. Agents read LYTHCOTT his Miranda rights. LYTHCOTT indicated that he understood those rights and agreed to waive them and speak to law enforcement. In sum and substance and in part, LYTHCOTT stated that he had traveled to the Dominican Republic in late December 2013 and returned January 2014. LYTHCOTT indicated that during that trip he and two Dominican men picked up young girls at a park near the beach in Santo Domingo. He said that they went to a beach in Boca Chica and then to a hotel nearby. LYTHCOTT indicated that on the way to the beach they picked up a third girl and alcohol. After initialing claiming that he had not had sex with the Victims, LYTHCOTT indicated that he had penetrated one of the Victims with his penis. LYTHCOTT indicated that he paid one of the Victims approximately \$80 in United States currency in exchange for having sex with him. LYTHCOTT indicated that he believed the Victims to be 16 years of age. He also indicated that he had been to the Dominican Republic on numerous occasions and that SUBJECT 1 had obtained girls for him to have sex with on approximately 45 occasions, but he claimed that prior to the December 2013 trip, the girls were always older than 18 years of age.

10. In addition, LYTHCOTT had a Samsung Galaxy Note cellular telephone on his person at the time he was stopped. It was searched pursuant to HSI's border search authority and a photograph of the VICTIMS was discovered.

11. VERNON LYTHCOTT resides in Brooklyn, New York

WHEREFORE, your deponent respectfully requests that the defendant VERNON LYTHCOTT be dealt with according to law.

Karine Stewart
Special Agent
United States Department of Homeland
Security, Homeland Security Investigations

Sworn to before me this
9th day of May, 2014

THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK