

MRM:APW
F. #

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

COMPLAINT

- against -

21-M

(18 U.S.C. § 2422(b))

KEVIN WILL

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

DANIEL FANDREY, being duly sworn, deposes and states that he is a Task Force Officer with the Federal Bureau of Investigation's Crimes Against Children and Human Trafficking Unit, duly appointed according to law and acting as such.

On or about April 8, 2021, within the Eastern District of New York and elsewhere, the defendant KEVIN WILL, using one or more facilities and means of interstate and foreign commerce, to wit: the internet and mobile internet applications, did knowingly and intentionally attempt to persuade, induce, entice and coerce an individual who had not attained the age of 18 years to engage in sexual activity for which a person could be charged with criminal offenses, to wit: criminal sexual act in the first degree, in violation of New York Penal Law Section 130.50(4).

(Title 18, United States Code, Section 2422(b))

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

1. I am a Task Force Officer with the Federal Bureau of Investigation ("FBI") Crime Against Children and Human Trafficking Unit (the "Task Force"). I have been Task Force Officer since 2017 and a police officer since 2007. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation.

2. On or about March 4, 2021, the FBI was investigating a Kik² chat room identified as "LongIslandDLMenOnly."³ One of the Kik chat room users identified during the investigation was display name "Kevin Will" with user name "Southshore27" (the "Kevin Will account"). The Kevin Will account responded to a post in the chat room in which a father – who was actually an undercover law enforcement officer – posted that he was going on vacation with his son to Long Island and looking for things to do. The Kevin

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation.

² Kik, operated by MediaLab.Ai Inc. is a United States company that offers a free instant messaging mobile application (app), Kik Messenger. The app is commonly just called Kik. Kik markets itself as "the only chat platform built especially for teens and as a clear leader in chatbots, Kik will become the central hub for everyday life for teens across the world as we grow." Through the app, users can transmit and receive messages, photos, videos, sketches, mobile webpages, and other content, both publicly (to all users or groups of users) and privately (to a specific user).

³ Based on my training and experience and participation in this investigation, the Kik chat room "LongIslandDLMenOnly" is a chat room where people communicate about homosexual sexual activity that is cover in nature and the designation "DL" implies "down low," or hidden.

Will account then sent a private message to the “Father” asking for more information, which initiated a further conversation over private messages. During the conversation, the Kevin Will account and the “father” engaged in further discussions with the “father” stating he was 38 years old and his son was almost 11 years old. During the conversations, the Kevin Will account expressed an interest in pursuing oral and anal sexual contact with the son, and the “father” indicated he would like to observe the sexual contact. The Kevin Will account made arrangements to meet the “father” at a coffee shop in Farmingdale, New York on April 8, 2021, to determine the validity of the father’s statements and to arrange to meet the son. The Kevin Will account also stated that he would bring extra small women’s underwear and “party supplies” that he referred to as “ski.”


3. On April 8, 2021, at approximately 5pm, the Task Force was conducting surveillance at the coffee shop in Farmingdale, when the defendant, KEVIN WILL, arrived at the coffee shop. The “father” and the Kevin Will account had previously exchanged messages about the clothing they were wearing so that they could recognize each other. During a conversation at the coffee shop, the “father” informed the defendant that the son was back in a room at a hotel in Melville, New York. The “father” also showed the defendant a photo of a child purported to be the son. The “father” provided the defendant the name of the hotel in Melville and asked the defendant to wait in the car when he arrived at the hotel. The defendant and “father” drove separately to the hotel in Melville.

4. At approximately 5:15 pm the FBI observed the defendant arrive at the Melville hotel where the son was purportedly located. The defendant waited in the car. After a few minutes the “father” texted the Kevin Will account the room number, which was on the third floor of the hotel. The defendant then entered the hotel, took the elevator to

third floor, and walked toward the room on the third floor in which the son was purportedly located. Just prior to reaching the designated room, the Task Force arrested the defendant. At the time he was arrested, the defendant had in his possession, among other items, two lubricants (“Astroglide Premium” and “Eden Fantasy Personal Lubricant”) a box of trojan ultra-thin latex condoms, an Xbox Live Gold gift card, two pairs of small and extra-small women’s underwear, two bottles of whiskey, and a quantity of a white powdery substance. Based on my training and experience, as well as the defendant’s earlier comments, I recognize the substance as white powdery substance as cocaine and know that the term “ski” refers to cocaine.

5. At the time he was arrested the defendant stated, in sum and substance, “I messed up. I made a terrible mistake.”

WHEREFORE, your deponent respectfully requests that the defendant KEVIN WILL, so that he may be dealt with according to law.


DANIEL FANDREY
Task Force Officer
Federal Bureau of Investigation

Sworn to before me by telephone this
___ day of April, 2021

THE HONORABLE ANNE Y. SHIELDS
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK