

(u01)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1:06 MJ 3117

1. I, Peter A. Decensi, being duly sworn, do hereby state that I am a Senior Special Agent of the U.S. Department of Homeland Security, Immigration and Customs Enforcement (previously the U.S. Customs Service, Office of Investigations), Cleveland, Ohio, and have been employed in this position since January 1988. Prior to that time, I was a Special Agent with the United States Department of Commerce, Office of Export Enforcement where I investigated illegal technology transfers to the former Soviet Union and other proscribed countries. I was also employed as a Diversion Investigator with the Drug Enforcement Administration where I investigated drug diversion/illegal distribution cases involving practitioners in the medical/pharmaceutical field. I have been employed in Federal law enforcement positions since March of 1985.

2. My duties and responsibilities as a Senior Special Agent with the U.S. Department of Homeland Security have included the planning and conducting of investigations related to drug smuggling, general smuggling, the illegal exportation of controlled technology, criminal fraud, Internet and financial crimes, trafficking in illegal Intellectual Property Rights (IPR) products and child exploitation cases.

3. I have received training through the U.S. Department of Homeland Security and through the former U.S. Customs Service in relation to child exploitation and sexual tourism cases, money laundering, fraud and the trafficking in illegal IPR products. As a Senior Special Agent, I have participated in numerous child exploitation

investigations and have executed search warrants involving individuals involved in child pornography and related crimes. The statements in this affidavit are based in part on information provided to me by Gary Kiernan, Immigration and Customs Enforcement, Assistant Attaché, Bangkok

4. Title 18 United States Code, Section 2423 (d) indicates that whoever, for the purpose of financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

(1) A sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or

(2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.

5. In late December 2005, I began an investigation of the Internet website www.asianadventures4u.com after discovering that the site was advertising the sale of “replica” merchandise using the registered trade names of Rolex, Gucci, Louis Vuitton, Prada, Fendi, Oakley and Ray ban. “Replica” merchandise is commonly used in advertising to designate illegal trademark or counterfeit merchandise. In addition to the sale of counterfeit merchandise, the website also advertised various guided tours in the country of Thailand. . The narrative in the website indicated that site is operated by “Russell Herman” an American who resides in Thailand. “Herman” indicates that he can be contacted via his cell phone and/or by e-mail at russellaherman@hotmail.com.

6. The website advertised tours that consisted of visiting factory night bazaars and hill tribe villages where contacts can be made to purchase counterfeit products directly from the source. Other tours advertised included introductions to Thailand's hottest entertainment spots where customers can be introduced to marriage agencies where a person can marry a "beautiful young Thai girl between the ages of 18-24 regardless of your age". The website showed two tours, a 4-day tour for \$495.00 and a 7-day tour for \$695.00. The 7-day tour is personally guided by "Herman" and is "tailored to the individual's personal taste." "Herman" advertised that he accepts bank wire transfers, Western Union wire transfers, and e-currencies such as E-gold and E-Bullion for payment.

7. From June 2006 to late October 2006, your Affiant using the screen name of "david77" from the location of Middleburg Heights, Ohio had numerous Internet e-mail dialogs with an individual identified as Russell Herman in Thailand. The discussions were relating to the various tours that Herman had available in Thailand. During these conversations, I advised Herman that I was planning a trip to Thailand in the fall and was interested in meeting exotic young Thai girls. Herman wrote that he has the expertise and experience to assist in this endeavor. Herman wrote that this is his 7th trip to Thailand and he has resided in the country for over three years and knows the "pick up" spots and locations where I could get what I was looking for. Herman indicated that "what you see here will really open your eyes". Herman wrote that the cost for his tour would include his tour fee and the cost of his expenses while he was providing the tour. Herman indicated that the costs of the girls are extra.

8. On October 30, 2006, I sent an e-mail to Herman indicating my interest in

young Thai girls 10-14 years of age. In this e-mail, I asked Herman what it would cost for these young girls and are they more easily obtained in the city or in the countryside. When Herman later asked for my name and flight information, I went on to write that I am a little reluctant to provide this information until the last moment because if authorities in the U.S. found out my plan, I could have serious problems.

9. Herman responded in an e-mail that getting a Thai girl that age (10-14) is dangerous and if caught "the Thais will punish hard". Herman went on to say that he knows where to go to find what I want. Herman wrote that the young girls are from Laos and are in Thailand illegally having been smuggled across the border. Herman wrote that he has been to these locations and that "I will like it a lot!!!" Herman indicated that the costs for these girls are cheap. Herman then provided me with a cell phone number in Thailand where he could be reached.

10. On November 21, 2006, I sent an e-mail to Herman indicating that I couldn't wait to arrive in Bangkok and start the experience of my life. Herman was advised that I was planning to arrive in Thailand on or about November 27th. I further wrote Herman that "I have had this fantasy all my life of getting it on with young girls without pubic hair, but couldn't get enough nerve to try it in the U.S." I told Herman that's when I read things about Thailand and decided to save some money and make the trip.

11. On November 22, 2006, Herman responded with an e-mail advising me to call him when I arrive in Bangkok. Herman wrote that he is in Chiang Mai and he will meet me in Bangkok. Herman wrote that "Thailand is a lot of fun and you'll experience some incredible things here!!! Russell"

12. On November 24, 2006, Gary Kiernan, Immigration and Customs Enforcement, Assistant Attaché, Bangkok posing as "david77" placed a call to Herman at his cell phone. During the telephone conversation, Herman advised Assistant Attaché Kiernan against going with young Thai girls because there was a "stiff penalty". Herman recommended going to Cambodia where the girls are very young, but after Assistant Attaché Kiernan refused, Herman then stated that the girls in Udon Thani, Thailand are Lao girls who were "good" "young" and "14" years old. Herman stated that the girls are located inside "brothels" and there is a "mama-san" or other person(s) inside who controlled the girls. Herman indicated that the cost for a girl is about \$15.00 for a short period of time. Herman indicated that the Lao girls are "illegal" and are smuggled across the Mekong River into Thailand. Assistant Attaché Kiernan asked Herman if the girls could be brought back to a hotel room and Herman replied that it was not possible. Herman stated that it was safe in the "brothels" and bringing young girls back to a hotel will cause someone to call the authorities. Herman also recommended to Assistant Attaché Kiernan that young girls 15-16 years old could also be found on the beach in Pattaya, but they would have to go "hunting" for them. Herman indicated that the best bet would be the brothels. Herman also told Assistant Attaché Kiernan that he knows of a hotel in Udon Thani where a "guy" brings 15 year old girls to your room. During the conversation, Herman asked if Assistant Attaché Kiernan was "cool" in terms of being law enforcement. Assistant Attaché Kiernan stated that he was not law enforcement and Herman then replied that he was not. Herman then alluded to a sting operation that was conducted in the Philippines. Herman told Assistant Attaché Kiernan that that he would have to pay "one large" (\$1,000) for his knowledge and experience in addition to paying

for his expenses during the tour.

13. On November 28, 2006, Assistant Attaché Kiernan acting as “david77” contacted Herman by telephone and advised him that he had arrived in Bangkok from the U.S. and had booked a flight to Udon Thani. Herman stated that the brothels in Udon Thani open up at around 2:00 pm. Herman also advised Assistant Attaché Kiernan to watch out for plainclothes cops when looking for girls. Herman stated that he would take a bus from Chiang Mai, Thailand where he lives to Udon Thani to meet Assistant Attaché Kiernan. Herman said that the bus ride is 7 or 8 hours and is scheduled to arrive in Udon Thani at approximately 2:00 am. Herman and Assistant Attaché Kiernan decided to meet the following morning (November 29th) at 11:00 am.

14. On November 29, 2006, Assistant Attaché Kiernan met Herman at the Charoen Hotel in Udon Thani, Thailand. During the meeting in the hotel room, Assistant Attaché Kiernan and Herman spoke of having sex with underage girls. Herman stated that he had the “experience and knowledge” in finding these young girls. Herman knew of several brothels in Udon Thani where underage girls were located. Herman advised that the brothels are the safest places to go and they housed Laotian girls. Herman indicated that the girls were 15 years old and were in Thailand illegally and without “papers”. Herman also said they were “controlled” in the brothels.

15. In exchange for his services, Herman requested that he be paid a fee plus expenses for his “knowledge and experience”. At that time, Assistant Attaché Kiernan paid Herman 3,000 baht for his services, 520 baht for his bus ticket and 1000 baht for his hotel room.

16. At approximately 3:00 pm, Herman took Assistant Attaché Kiernan to an

address identified as "Hotel 69". Herman approached a Thai male who appeared to be a "pimp" and proprietor of the hotel. Herman told the proprietor that he wanted young girls that were 15 years old. The Thai male left on his motorbike and returned with two Thai girls. Herman stated that the girls were 15 years old. Herman picked one of the girls and she sat down and began rubbing his arm. The Thai male returned again with two other girls and said to Herman that they were Laotian and 16 years old. Herman decided to take one of the Laotian girls. Herman asked Assistant Attaché Kiernan if he would wait while he "did" one of the Laotian girls. The Laotian girl became nervous and it was apparent that she did not want to be with Herman. Herman asked the Thai male or "pimp" what was the problem and he shook his head "no". Assistant Attaché Kiernan advised Herman that they should try another place.

17. At approximately 3:35 pm, Herman took Assistant Attaché Kiernan to a storefront that indicated "Boss Karaoke". The building was a three story structure that resembled a college dormitory. There was an older female located in an office area and Herman identified her as the "mama san". Upon entering the building, there were 5 to 10 girls located on each floor that Herman identified as Laotian. Several girls who appeared to be 15-17 years old approached Assistant Attaché Kiernan. One of the girls motioned Assistant Attaché Kiernan to follow them into their rooms. The older female or "mama san" stated that the cost is 300 baht to be with any girl. Both Herman and Assistant Attaché Kiernan walked from floor to floor and looked at the various girls. Herman told Assistant Attaché Kiernan to just pick out the girl that you like. A girl approached Assistant Attaché Kiernan and placed her hand on his genitals and motioned for him to enter a room. Both Herman and Assistant Attaché Kiernan agreed that the girl appeared

12 years old. Assistant Attaché Kiernan saw approximately 25 girls in the building who appeared to be several years younger than 18 years old waiting for clients. Assistant Attaché Kiernan told Herman that he wanted to look at another place before making a final decision.

18. Herman took Assistant Attaché Kiernan to another brothel that had an old woman sitting in front of a wooden door that was padlocked. Herman identified the woman as the “mama san”. When Herman and Assistant Attaché Kiernan approached the door, the woman got up and unlocked it and motioned to go inside. Upon entering the building, Assistant Attaché Kiernan saw five young girls in the room eating. The woman walked over and said 300 baht. Herman asked the woman in Thai how old the girls were. The woman pointed to four of the girls and said “15” and said the fifth girl was “17”. Assistant Attaché Kiernan asked in English if he could bring one of the girls back to his hotel room. The woman said “no” and “do here”. The woman pointed to a corridor that had several small rooms and a bed. Assistant Attaché Kiernan asked Herman if he knew of another place. Herman told the woman that they would be back later.

19. Herman took Assistant Attaché Kiernan to another building a short distance away that had a padlocked green metal gate. Herman approached a young Thai male and they walked around the building to a padlocked door guarded by several Thai men. One of the Thai men opened the padlock and motioned to go inside. Inside the building there were two Thai guards and three young girls watching television. Herman and Assistant Attaché Kiernan walked down a corridor that was lined with small rooms containing 2-4 young girls. The girls appeared to be under the age of 18. When

Assistant Attaché Kiernan walked back toward the entrance, he was met by a girl standing next to the guard. Assistant Attaché Kiernan asked the Thai guard how old the girl was and he said "15". Assistant Attaché Kiernan advised Herman that he wanted to go back to the second location again before he made his final decision. After departing the building, the Thai guards padlocked the doors.

20. Herman and Assistant Attaché Kiernan walked back to the second brothel. The office in which the "mama san" was located was closed. Assistant Attaché Kiernan saw several young girls inside the building and motioned to open the door but the girls ignored them. A young Thai male in the front of the building said the business was closed.

21. Herman and Assistant Attaché Kiernan walked back to the third brothel that contained the four 15 year old girls. The old woman or "mama san" unlocked the padlock and let Herman and Assistant Attaché Kiernan back in. There were now approximately 10 young girls in the room. Herman stated that the girls must have come from upstairs and that he liked one of the girls standing in the corner. The girl was petite and wearing a lot of makeup to appear older. The "mama san" said she was "15". Assistant Attaché Kiernan noticed a younger looking girl fully dressed and clutching a beach towel that was wrapped around her. The girl appeared very uncomfortable. Assistant Attaché Kiernan walked toward her and the "mama san" said "new, fresh, girl, 14 years old". The "mama san" stated that young girl would cost 4,000 baht. The "mama san" told Assistant Attaché Kiernan that she was a "virgin, never with man, you be her first". Assistant Attaché Kiernan repeated 4,000 baht and the girl started to cry. Assistant Attaché Kiernan said he would be back later with the money. Upon leaving,

the "mama san" padlocked the door of the building and returned to her chair outside the door.

22. On the following day, November 30, 2006, Assistant Attaché Kiernan met with Herman in his (Kiernan's) hotel room. Herman and Assistant Attaché talked about the various brothels and the young girls that they visited the day before. Assistant Attaché Kiernan provided a story to Herman that he was contacted by his boss and that he has to leave Thailand to return to the States to fix a machine. Herman was upset because he had expected to have Assistant Attaché Kiernan as a customer for a week. Assistant Attaché Kiernan stated to Herman that as soon as he takes care of the problem, he will fly back to Thailand. Herman advised that there is not much time left because he has a flight back to the U.S. on December 12th. A subsequent inquiry of various airlines indicated that Herman is scheduled to arrive in Las Vegas, Nevada on Tuesday, December 12, 2006 aboard Korean Air (flight #9) at 4:30 pm.

23. Based upon the information above, I have probable cause to believe that Russell Allan Herman did for commercial advantage or private financial gain did arrange, induce, procure or facilitate the travel of a person knowing that such person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct in violation of Title, 18 United States Code, Section 2423 (d). By this affidavit