

MAW&LMP

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

Case No. 17-MJ-610 SER

v.

PISANU SUKHTIPYAROG
a/k/a "PAT"

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From on or about October 15, 2015, until on or about August 1, 2017, in the State and District of Minnesota, the defendant Pisanu Sukhtipyaroge, a/k/a Pat,

knowingly provided and obtained the labor or services of a person by any one of, or by any combination of, the following means—(1) by means of force, threats of force, physical restraint, and threats of physical restraint to that person or another person; (2) by means of serious harm and threats of serious harm to that person or another person; (3) by means of the abuse and threatened abuse of law or legal process; and (4) by means of any scheme, plan, and pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint, and aided and abetted and attempted to commit such an offense, in violation of Title 18, United States Code, Section 1589 and 1594(b) (**Forced Labor**).

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT OF SPECIAL AGENT CHARLES J. BAUTCH

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



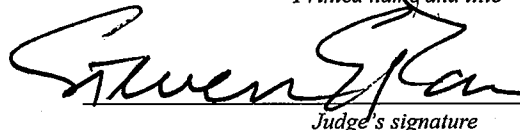
Complainant's signature

CHARLES J. BAUTCH, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: August 3, 2017



Judge's signature

City and State: St. Paul, Minnesota

The Honorable Steven E. Rau, U.S. Magistrate Judge

Printed name and Title

SCANNED

AUG 03 2017

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA

COUNTY OF RAMSEY

17-MJ-610 SER
ss. AFFIDAVIT OF SA CHARLES J. BAUTCH

Your affiant, Charles J. Bautch, being duly sworn, does depose and state as follows:

AGENT BACKGROUND AND EXPERIENCE

1. I am a Special Agent with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), United States Immigration and Customs Enforcement (ICE), St. Paul, Minnesota, with approximately twenty-four years of combined experience as a Special Agent with HSI and an Inspector with the former Immigration and Naturalization Service, duly appointed according to law and at the time of the events herein was acting in official capacity. During my tenure as a Special Agent, I have conducted and participated in numerous investigations of criminal activity, including, but not limited to, human trafficking, child exploitation, narcotics and weapons smuggling, money laundering, and Immigration and Customs-related fraud. During the investigations of these cases, I have executed or participated in the execution of numerous search warrants and seized evidence of violations of federal law. The facts and information contained in this affidavit are based upon my own investigation and observations and those of other agents and law enforcement officers involved in the investigation. All observations referenced below that were not made by me were relayed to me by the persons who made such observations. This affidavit contains information necessary to support probable cause for the attached Criminal Complaint and Application for an Arrest Warrant.

It is not intended to include each and every fact and matter observed by me or known to the government.

2. Based on the facts set forth in this affidavit as well as my training and experience, there is probable cause to believe that PISANU SUKHTIPYAROGÉ a/k/a “PAT,” has committed violations of Title 18, United States Code, Sections 1589 and 1594(b) (Forced Labor).

PROBABLE CAUSE

3. On July 21, 2017, law enforcement received a report from the National Human Trafficking Hotline that a victim had self-reported labor and sex trafficking occurring in the City of Columbia Heights and the City of Maplewood. On July 22, 2017, law enforcement made contact with and interviewed the victim, DOB XX/XX/1997 (hereinafter “the Victim”).

4. The Victim is a citizen of the Dominican Republic and reported that he comes from a very poor family. The Victim met the defendant, Pisanu Sukhtipyaroge, a/k/a “Pat” (hereinafter “Sukhtipyaroge”), through an organization that connects poor Dominican families with Americans who can sponsor their children to come to the United States on a student visa to go to high school and college. Sukhtipyaroge promised the Victim and his family a better life for the Victim through opportunities available in the United States. The Victim advised that Sukhtipyaroge traveled to the Dominican Republic several times over

a period of three years to befriend the Victim's parents. Eventually the Victim's parents decided that he could go to the United States with Sukhtipyaroge.

5. The Victim indicated that Sukhtipyaroge assisted the Victim in getting his student visa. Sukhtipyaroge instructed the Victim to lie to the staff at the United States Embassy about Sukhtipyaroge, including Sukhtipyaroge's status as a business owner, during the Victim's visa interview. Information has since been discovered that on the Victim's initial visa application, Sukhtipyaroge was listed as having helped complete the application. This application was not finalized and a second application was later submitted. This application did not list Sukhtipyaroge's name as having assisted with the application. The Victim stated that Sukhtipyaroge told the Victim that, upon the Victim's arrival in the United States, Sukhtipyaroge would pay for the Victim to finish high school and help him attend college. There was no mention at that time that the Victim would be responsible for repaying Sukhtipyaroge in any way for any costs.

6. The Victim explained that Sukhtipyaroge arranged for and paid for the Victim's travel to the United States. The Victim arrived in the United States on October 15, 2015 on an F-1 student visa. At the time, the Victim was 18 years old. The Victim stated that, upon entry into the United States, he lived with Sukhtipyaroge, Sukhtipyaroge's wife, and Sukhtipyaroge's adult son, at their residence located at 24XX Cypress St. N in the City of Maplewood, County of Ramsey, in the State of Minnesota.

7. Initially Sukhtipyaroge told the Victim that Sukhtipyaroge had paid for the Victim to attend school at Edison High School. However, after the Victim attended school for only a short period of time, Sukhtipyaroge told the Victim that Sukhtipyaroge was no longer going to pay for the Victim to attend school and that the Victim was no longer allowed to attend classes at Edison High School. Sukhtipyaroge then kicked the Victim out of Sukhtipyaroge's home but allowed the Victim to stay in a storage room below the Royal Orchid Restaurant, located at 4022 Central Ave. NE, in the City of Columbia Heights, County of Anoka, in the State of Minnesota.¹ The Royal Orchid Restaurant is a business that Sukhtipyaroge owns and operates.

8. The Victim explained that Sukhtipyaroge put him to work in the Royal Orchid Restaurant as a dishwasher. Sukhtipyaroge told the Victim that he would be paid \$500 per month in cash for his labor. In fact, the Victim only received \$125 per month, as Sukhtipyaroge would deduct the costs of the Victim being brought to the United States as well as other costs from the Victim's pay. The Victim advised that this debt bondage arrangement had been in place since the Victim began to work for Sukhtipyaroge at the Royal Orchid Restaurant but that the Victim did not believe that the debt he owed to Sukhtipyaroge was getting smaller. The Victim also indicated that he was forced to do

¹ The Victim reported that, for a period of time after being forced to leave the residence in Maplewood, the Victim lived with his girlfriend. However, when the Victim was no longer able to stay with his girlfriend, the only other place he was able to reside was in the storage room below the Royal Orchid. The Victim explained that he did not know any other people who could assist him.

work at the Royal Orchid Restaurant after hours and was provided no extra pay for this work. The Victim further advised that he was brought back to the residence in Maplewood several times per week and forced to clean Sukhtipyaroge's residence as well as complete yard work at the residence. This work also was also done for no extra pay.

9. The Victim explained that he regularly works well over 40 hours per week (typically the six days a week the restaurant is open), between his work at the Royal Orchid Restaurant and the extra work he is forced to perform by Sukhtipyaroge at his residence. If the Victim had been working only a 40-hour work week, his monthly pay of \$500 would equal an hourly wage of \$3.12 per hour. Given the Victim's statement that all but \$125 per month of his wages were withheld by Sukhtipyaroge, again based on a 40-hour work week, the Victim's monthly pay of \$125 would equal an hourly wage of \$0.78 per hour. The Victim did not report that he receives any tip money from his work at the Royal Orchid Restaurant but said he would occasionally receive cash gifts from Sukhtipyaroge's son, who felt bad for the Victim and his situation.

10. On July 23, 2017, law enforcement met with the Victim at the Royal Orchid Restaurant in order to pick up potential evidence that the Victim had in his possession. During this meeting, the Victim showed law enforcement his living conditions. As observed by law enforcement, the Victim was living in an unfinished storage room with only a lamp and a work light in the room. There were no windows anywhere in the basement. He had a small TV and small refrigerator that he stated he purchased with his

own money. The Victim slept on an old pullout couch that was in the storage room. There were no floor coverings in the room or in the basement. The Victim explained that there was no bath or shower in the building so he was forced to use the Royal Orchid Restaurant customer bathroom to take a makeshift shower. The Victim advised that after he did this he would then have to clean the bathroom.

11. While present at the Royal Orchid Restaurant, the Victim led law enforcement to a small office area. There, the Victim showed law enforcement several sheets of paper that were attached to the wall, which the Victim explained were ledgers related to his debts to Sukhtipyaroge. Law enforcement viewed these ledgers and found that they had mentions of a Delta Airlines plane ticket as well as other costs that were being deducted from the Victim's pay. The Victim explained that, upon his initial arrival in the United States, Sukhtipyaroge stated that he was gay and that the Victim would need to engage in sexual acts with Sukhtipyaroge if the Victim wanted Sukhtipyaroge to continue helping him. The Victim indicated that initially Sukhtipyaroge stated that if the Victim refused to engage in these sex acts that Sukhtipyaroge would stop helping the Victim with school and providing him with food or housing. The Victim advised that he is not gay and did not want to engage in any sexual acts with Sukhtipyaroge. Instead, he was coerced into it by the threats that Sukhtipyaroge made.

12. After the Victim was no longer enrolled in school, his student visa became invalid and he was then present in the United States illegally. The Victim advised that

Sukhtipyaroge then began to threaten to contact immigration authorities to have the Victim deported if the Victim did not engage in the sexual acts with Sukhtipyaroge. Sukhtipyaroge performed oral sex on the Victim and instructed the Victim to perform anal sex on Sukhtipyaroge. The Victim indicated that these acts occurred several times per week in both the basement of the Royal Orchid Restaurant and at Sukhtipyaroge's home in Maplewood. The Victim explained that Sukhtipyaroge would take the Victim to the home in Maplewood after the Metro Transit busses had stopped running for the night, which forced the Victim to have to stay at the residence. The Victim advised that Sukhtipyaroge would then wake up early in the morning and force the Victim to perform sex acts.

13. The Victim provided law enforcement with a series of photos he had secretly taken on March 19, 2017, while Sukhtipyaroge was performing oral sex on the Victim in the basement of the Royal Orchid Restaurant. The Victim further provided law enforcement with an audio recording that he secretly recorded on June 19, 2017 at the Royal Orchid Restaurant. The recording starts with sucking noises, which the Victim advised was the sound of Sukhtipyaroge performing oral sex on him. While this is occurring, the Victim is heard asking Sukhtipyaroge if he was going to help the Victim with college. Sukhtipyaroge then begins to talk about the fact that the Victim has been in the United States almost two years and that because he is in Minnesota "they" (believed to be Immigration and Customs Enforcement) "don't come and catch you." Sukhtipyaroge tells the Victim that he is not working somewhere else where Immigration may come find

him working. Sukhtipyaroge also tells the Victim that no one else would hire him because he does not have a green card. Sukhtipyaroge further tells the Victim that if he works at the Royal Orchid Restaurant he is safe and he will not get caught for working. Sukhtipyaroge further told the Victim that if he got caught working, he would be sent back and he could never come back to the United States. Sukhtipyaroge tells the Victim that he is trying to keep him safe and that he should not go out at night. As the conversation continues, Sukhtipyaroge tells the Victim that he is trying to help him and that he brought him here to the United States to help him.

14. Based on my training and experience, I know that victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, and that they are often subjected to coercion and intimidation, including physical detention and debt bondage, because they often fear retribution and forcible removal to countries in which they will face retribution or other hardship. As set forth above, I believe that Sukhtipyaroge used coercion, psychological abuse, intimidation, and threats of legal process to maintain control of the Victim, both as a forced laborer of the Royal Orchid Restaurant and as a continued victim of Sukhtipyaroge's sexual assaults. The Victim has told law enforcement that he is very fearful of Sukhtipyaroge and what Sukhtipyaroge will do to him if he finds the Victim. The Victim has also indicated that Sukhtipyaroge knows where the Victim's parents live and that he fears that Sukhtipyaroge will send someone to harm the Victim's parents in the Dominican Republic.

15. The Victim further advised law enforcement that Sukhtipyaroge frequently chats with young teenage boys on Facebook and attempts to recruit these boys to engage in sexual acts with him. The Victim explained that Sukhtipyaroge goes on at least one trip a year, traveling to foreign countries to engage in sexual acts with young boys. (Indeed, Sukhtipyaroge possessed both a U.S. passport and a Thai passport, and his travel history demonstrates multiple trips to foreign countries known as locations for child sex tourism.) The Victim advised that, at the time of the interview, Sukhtipyaroge was in Port au Prince, Haiti with the Victim's cousin, who is also from the Dominican Republic. Sukhtipyaroge told the Victim that Sukhtipyaroge could not go to the Dominican Republic, as he believed that he may have an outstanding warrant or fine in that country. This was believed to be why Sukhtipyaroge went to Haiti. The Victim advised that he was fearful that Sukhtipyaroge was going to sexually assault the Victim's cousin, as Sukhtipyaroge told the Victim that the Victim's cousin was going to be the Victim's replacement. Sukhtipyaroge further told the Victim that he was going to try to bring the Victim's cousin to the United States. (Law enforcement reviewed travel records for Sukhtipyaroge and discovered extensive travel, including trips to Haiti as described by the Victim.)

16. The Victim advised that, on one occasion about a year earlier, the Victim was allowed to use Sukhtipyaroge's computer while at the residence in Maplewood. While on the computer, the Victim observed that there was a file folder, believed to be on an SD card that had been inserted into the computer, that contained pornographic videos of young boys

engaging in sexual acts. The Victim explained that some of these videos contained images of Sukhtipyaroge engaging in the sexual acts with these young boys. The Victim specifically mentioned a video where Sukhtipyaroge was engaging in sexual intercourse with a young white male. The Victim believed that those in the videos were under 18 years of age. The Victim indicated that these videos were on Sukhtipyaroge's old computer, but that they were believed to be transferred to his new Samsung Computer, which Sukhtipyaroge always carried with him and recently had with him in Haiti. The Victim advised that he had recently been at the residence in Maplewood and had observed that the old computer was in the downstairs bathroom. The Victim also advised that Sukhtipyaroge has used his cellphone to take nude images of the Victim, including close up images of the Victim's penis. Sukhtipyaroge told the Victim he had shared these images with other men. The Victim advised that he had not given consent for Sukhtipyaroge to share these photos with anyone. The Victim also indicated that Sukhtipyaroge owns a digital video camera and that the camera is also used by Sukhtipyaroge to record his sexual encounters with young teenage boys.

17. On August 1, 2017, law enforcement executed a search warrant at the defendant's residence and arrested the defendant on charges of Third-Degree Criminal Sexual Conduct and Labor Trafficking, on which he is currently being held. During the search of the defendant's residence, law enforcement discovered, among other things, a lower-level basement bathroom in which Sukhtipyaroge had a large television and laptop

computer set up. Around the television, there were documents and pictures taped to the mirror and to the wall. Of note, several were pictures of young children, who appeared to be from Central America, with the children's names at the bottom. There were also lists of phone numbers and other handwritten notes. In the bathroom were also what appeared to be a used condom, two bags containing what appeared to be pubic hair, and Ziploc bags containing what appeared to be boy/teen's underwear. Throughout the house were pictures of young children that appeared to be participants in Children's International. There were also several letters that were located from Children's International, including thank you letters for Sukhtipyaroge traveling to meet his sponsored children. Law enforcement further seized numerous electronic devices, including computers.

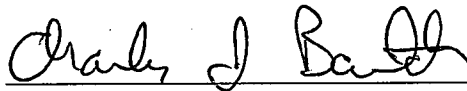
18. On August 2, 2017, law enforcement executed a search warrant on a computer seized from the defendant. Although the forensic review of the computer is ongoing, law enforcement has already found substantial evidence corroborating the account provided by the Victim above. Specifically, on the defendant's computer law enforcement discovered a folder labeled with the Victim's last name. In the folder were a series of close-up images of a male, believed to be the Victim, with a hand touching the Victim's penis. In another folder on the defendant's computer, law enforcement found nine videos, ranging in dates from February 26, 2016 through June 9, 2016, in which the defendant is seen performing a variety of sex acts with the Victim. Law enforcement additionally discovered on Sukhtipyaroge's computer a different folder labeled with a

male's name. The folder contained eight videos of Sukhtipyaroge engaged in sexual acts with a young man, possibly a minor.

CONCLUSION

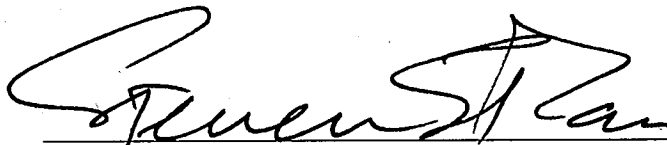
19. Based on the foregoing, I respectfully submit that there is sufficient probable cause for issuing a Complaint and Arrest Warrant for Pisanu Sukhtipyaroge, a/k/a Pat, for engaging in forced labor, in violation of Title 18, United States Code, Sections 1589 and 1594(b) (Forced Labor).

Further your Affiant sayeth not.



Charles J. Bautch
Special Agent, Homeland Security Investigations

Sworn and subscribed to before me
this 3 day of August 2017



The Honorable Steven E. Rau
UNITED STATES MAGISTRATE JUDGE