

12 MAG 2820

Approved:

Hadassa Waxman  
HADASSA WAXMAN  
Assistant United States Attorney

Before:

THE HONORABLE HENRY B. PITMAN  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
- v. -	:	Violations of
GILBERTO VALLE,	:	18 U.S.C. §§ 1030(a)(2), and
	:	1201(c)
Defendant.	:	County of Offense:
	:	New York County

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SOUTHERN DISTRICT OF NEW YORK, ss.:

ANTHONY FOTO, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

1. From at least in or about January 2012, up to and including on or about October 24, 2012, in the Southern District of New York and elsewhere, GILBERTO VALLE, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 1201.

2. It was a part and an object of the conspiracy that GILBERTO VALLE, the defendant, and others known and unknown, would unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom and reward and otherwise, a person, and use a means, facility, and instrumentality of interstate commerce in committing and in furtherance of the commission of the kidnapping, in violation of Title 18, United States Code, Section 1201.

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about July 9, 2012, GILBERTO VALLE, the defendant, using the Internet and an electronic instant messaging program, communicated with a co-conspirator not named as a defendant herein ("CC-1"), about kidnapping, cooking and eating body parts of woman ("Victim-1").

b. On or about July 22, 2012, VALLE travelled to Maryland to meet with Victim-1.

c. On or about May 31, 2012, VALLE accessed a law enforcement database without authorization.

(Title 18, United States Code, Section 1201(c).)

COUNT TWO

4. On or about May 31, 2012, in the Southern District of New York, GILBERTO VALLE, the defendant, intentionally and knowingly accessed a computer without authorization and exceeded authorized access and thereby obtained information from a department and agency of the United States, to wit, VALLE accessed, and obtained information from, the federal National Crime Information Center database, without authorization, and outside the scope of his authority.

(Title 18, United States Code, Sections 1230(a)(2)(B).)

The bases for my knowledge and the foregoing charges are, in part, as follows:

5. I am a Special Agent with the Federal Bureau of Investigation, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with other law-enforcement agents and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of

others are reported herein, they are reported in substance and in part, except where otherwise indicated.

6. In or about September 2012, the FBI learned that GILBERTO VALLE, the defendant, a New York City Police Officer, was sending electronic mail ("e-mail") and instant messages from a home computer (the "Computer"), discussing plans to kidnap, rape, torture, kill, cook and eat body parts of a number of women.

7. Pursuant to a Court-authorized search warrant, the FBI performed a search of the Computer, and discovered that GILBERTO VALLE, the defendant, had created files pertaining to at least 100 women and containing at least one photograph of each woman, the majority of whom are listed by their first and last name (the "Individual Files"). The FBI has identified and interviewed ten of these women, each of whom has confirmed to the FBI that VALLE is known to her.

8. In addition to the Individual Files, the Computer also contains personal information about some of these women, including relevant addresses, physical descriptions and photographs. In addition, the Computer contains electronic communications - e-mails or instant message "chats" - in which VALLE and his co-conspirators detail plans to kidnap, kill, cook and eat body parts of women.

9. As discussed in more detail below, there is probable cause to believe that GILBERTO VALLE, the defendant, has taken affirmative steps in furtherance of the conspiracy charged in Count One of this Complaint, including but not limited to using federal and state law enforcement databases and other methods to locate potential victims, surveilling potential victims at their homes and their places of business, drafting and revising an "operation plan" to abduct and "cook" an identified woman, researching methods of disabling and drugging women, and agreeing with at least one other individual to kidnap a woman in exchange for a sum of money.

#### VICTIM 1

10. I have reviewed electronic communications between GILBERTO VALLE, the defendant, and CC-1, which occurred between July 9 and July 17, 2012, during which VALLE and CC-1 agree to kidnap, murder, cook and eat Victim-1. The following are excerpts of their on-line communication:

July 9, 2012

CC-1: How big is your oven?

\* \* \*

VALLE: Big enough to fit one of these girls if I folded their legs . . . The abduction will have to be flawless . . . I know all of them . . . ["Victim-1"], I can just show up at her home unannounced, it will not alert her, and I can knock her out, wait until dark and kidnap her right out of her home.

CC-1: You really would be better to grab a stranger. The first thing the police force will do is check out a friend.

VALLE: Her family is out of state.

CC-1: I have anaesthetic gasses.

VALLE: I can make chloroform here.

\* \* \*

CC-1: It's really hard to dislocate (lock) a jaw. Also, how would we put her over the fire, spitting kills the girl. Have to put her into a kind of cage. What is your favorite cut of meat?

VALLE: I was thinking of tying her body onto some kind of apparatus . . . cook her over a low heat, keep her alive as long as possible.

\* \* \*

VALLE: I love that she is asleep right now not having the slightest clue of what we have planned. Her days are numbered. I'm glad you're on board. She does look tasty doesn't she?

CC-1: You do know if we don't waste any of her there is nearly 75 lbs of food there.

\* \* \*

CC-1: Have you got a recipe for chloroform?

July 17, 2012

VALLE: I found a website a couple of nights ago. Let me see if I can get it again.

\* \* \*

11. According to an analysis of the Computer, several minutes after the above-described instant message, on or about July 17, 2012, GILBERTO VALLE, the defendant, sent to CC-1 an internet link that contained the recipe for chloroform and detailed instructions on how make the chemical compound.

12. I have reviewed documents obtained from the Computer and learned that on or about July 10, 2012, GILBERT VALLE, the defendant, created and edited a document entitled "Abducting and Cooking [Victim-1]: a Blueprint." The document contains pedigree information about Victim-1, including her name, date of birth, height, weight and bra size. The document also contains a section called "Materials Needed" in which VALLE wrote, in part, the following:

Car (I have it)  
Chloroform (refer to website for directions)  
Rope (Strongest kind to tie her up)

13. Based on my review of additional electronic communications between GILBERT VALLE, the defendant, and CC-1, I learned that on or about July 19, 2012, CC-1 sent an instant message to VALLE stating in sum and in substance, and in part, "How was your meal?" VALLE immediately replied in sum and in substance, and in part, "I am meeting her [i.e., Victim-1] on Sunday."

14. On or about October 1, 2012, an FBI agent interviewed Victim-1, who stated in sum and in substance, and in part, that on or about July 22, 2012 (the first Sunday after the electronic communication described in paragraph 13, above) GILBERT VALLE, the defendant, contacted VICTIM-1 and said that he wanted to meet her. On or about July 22, 2012, VALLE and Victim-1 met at a restaurant for lunch.

VICTIM-2

15. I have reviewed electronic communications between GILBERTO VALLE, the defendant, and another co-conspirator not named as a defendant herein ("CC-2"), which occurred on or about February 28, 2012, in which VALLE and CC-2 negotiated and agreed to a price at which VALLE would kidnap another woman ("Victim-2"). The following are excerpts of their on-line communication:

February 28, 2012

CC-2: And also . . . about the price . . . would you do a payment plan or full up front?

VALLE: Full payment due at delivery. Just so that you know she may be knocked out when I get her to you. I don't know how long the solvent I am using will last but I have to knock her out to get her out of her apartment safely.

\* \* \*

CC-2: I definitely want her and how much again, I'm sorry to ask but I don't remember.

VALLE: \$5,000 and she is all yours.

CC-2: Could we do 4?

VALLE: I am putting my neck on the line here. If something goes wrong somehow, I am in deep shit. \$5,000 and you need to make sure that she is not found. She will definitely make the news.

\* \* \*

VALLE: It is going to be so hard to restrain myself when I knock her out, but I am aspiring to be a professional kidnapper and that's business. But I will really get off on knocking her out, tying up her hands and bare feet and gagging her. Then she will be stuffed into a large piece of luggage and wheeled out to my van.

CC-2: just make sure she doesn't die before I get her.

VALLE: No need to worry. She will be alive. It's a short drive to you. I think I would rather not get involved in

the rape. You paid for her. She is all yours and I don't want to be tempted the next time I abduct a girl.

CC-2: I understand. Also, is there anything I can trade you that might knock down the price a bit.

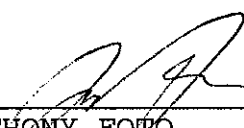
VALLE: No nothing at all. Like I said this is very risky and will ruin my life if I am caught. I really need the money and I can't take under \$5,000 for [Victim-2].

16. I have reviewed cell site data obtained pursuant to a Court order, and learned that on or about March 1, 2012, a cellular telephone assigned a telephone number belonging to GILBERTO VALLE, the defendant, made and/or received cellular communications on the block in Manhattan on which Victim-2's apartment building is located.

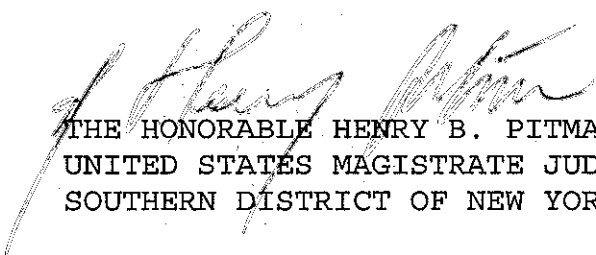
17. An FBI agent interviewed Victim-2, who stated in sum and in substance and in part that she has never invited GILBERT VALLE, the defendant, to her home, and does not know him well.

18. From my discussions with a New York City Police Department Officer, I learned that on or about May 31, 2012, GILBERTO VALLE, the defendant, accessed the National Crime Information Center ("NCIC") database and obtained information about a woman whose name matched the name of one of the Individual Files created by VALLE ("Victim-3"), and stored on the Computer. VALLE did not have authorization to perform that search or to access any information about Victim-3.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of GILBERTO VALLE, the defendant, and that he be imprisoned or bailed, as the case may be.

  
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ANTHONY FOTO  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
24th day of October, 2012

  
THE HONORABLE HENRY B. PITMAN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK