

CLARE E. CONNORS #7936
United States Attorney
District of Hawaii

SEALED
BY ORDER OF THE COURT

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
Feb 01, 2023
John A. Mannle, Clerk of Court

REBECCA A. PERLMUTTER
CHRISTINE OLSON
Assistant United States Attorneys
Room 6-100, PJKK Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Fax: (808) 541-2958
E-Mail: Rebecca.Perlmutter@usdoj.gov
Christine.Olson2@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	MAG. NO. 23-00114 KJM
	)	
Plaintiff,	)	CRIMINAL COMPLAINT;
	)	AFFIDAVIT IN SUPPORT OF
vs.	)	CRIMINAL COMPLAINT
	)	
DWAYNE YUEN,	)	
	)	
Defendant.	)	
	)	

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief.

Possession of Child Pornography
(18 U.S.C. § 2252(a)(4)(B))

From in or around September 2020 through at least in or around August 2022, within the District of Hawaii and elsewhere, DWAYNE YUEN, the defendant, did unlawfully and knowingly possess a matter that contained images of visual depictions of minors engaged in sexually explicit conduct, with defendant DWAYNE YUEN then knowing that said images contained visual depictions that involved the use of minors engaged in sexually explicit conduct, and which depictions were of such conduct, and which depictions had been transported in interstate and foreign commerce, and had been produced using materials which had been mailed, shipped, and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 2252(a)(4)(B).

//

//

//

//

//

//

I further state that I am a Special Agent with the Federal Bureau of Investigation (FBI) and that this Complaint is based upon the facts set forth in the attached "Affidavit in Support of Criminal Complaint," which is incorporated herein by reference.

DATED: February 1, 2023, Honolulu, Hawaii.



SHERWIN CHANG
Special Agent
Federal Bureau of Investigation

Sworn to under oath before me telephonically, and attestation acknowledged pursuant to Federal Rule of Criminal Procedure 4.1(b)(2), on this 1st day of February 2023, at Honolulu, Hawaii.





Rom A. Trader
United States Magistrate Judge

AFFIDAVIT OF SHERWIN CHANG

I, the undersigned complainant, being duly sworn, state the following is true
and correct to the best of my knowledge and belief:

INTRODUCTION

1. This affidavit is submitted for the purpose of establishing probable cause that DWAYNE YUEN (“YUEN”), the defendant, committed the following offense within the District of Hawaii and elsewhere from in or around September 2020 through at least in or around August 2022: 18 U.S.C. § 2252(a)(4)(B), which makes it a crime to knowingly possess child pornography that has been mailed, shipped, or transported interstate or foreign commerce by any means, including by computer.

2. I am a Special Agent with the Federal Bureau of Investigation, Honolulu Division. I have been a Special Agent since January 2007. From July 2007 to December 2014, I was assigned to the FBI’s Los Angeles Division, where my investigative assignments included national security and criminal matters, specifically counterintelligence and complex financial crimes. In January 2015, I reported to FBI Honolulu where I am currently assigned to the Violent Crimes Squad investigating juvenile sex trafficking and crimes against children matters. In this role, I investigate criminal violations relating to child exploitation and violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, as well as enticement of minors and sex trafficking. Through

my training and experience, I have observed and reviewed numerous examples of child pornography in various forms of electronic media including computer, cellphone, and internet and cloud-based mediums. I have utilized court-authorized search warrants, conducted physical surveillance, reviewed electronic and documentary evidence, and interviewed subjects and witnesses.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the offenses in the requested Complaint and does not set forth all of my knowledge or facts about this matter.

PROBABLE CAUSE

4. Based upon my information and belief, YUEN has coached youth basketball in Honolulu and around Oahu since at least in or around 2003. He has coached minor females, mostly of middle school and high school age.

5. In July 2022, law enforcement received information regarding YUEN's involvement with Minor Victim 1 (hereinafter "MV1" – presently a 20 year-old female, DOB December 2002). Law enforcement received copies of sexualized text message communications between MV1 and YUEN, sexually explicit photographs sent to MV1 by YUEN of a male penis, and electronic financial transactions showing that YUEN sent MV1 money on multiple occasions.

YUEN met MV1 in or around 2016 when she was a freshman in high school and YUEN was her basketball coach. MV1 was approximately 14 years old at that time.

6. A portion of the message communications between MV1 and YUEN occurred between September 16, 2020 and December 2020. For this period of time, MV1 was 17 years old and YUEN was approximately 47 years old. The context and content of the text messages show that YUEN knew MV1 was a minor, that is, under 18 years old, at the time of these conversations.

7. The text messages show, among other topics, that YUEN repeatedly asked MV1: to perform sexual acts on him and vice versa; to engage with him in sexually explicit conversations by phone and online; and to send him sexually explicit images of herself, including asking her to masturbate for him on FaceTime (live video chat). The content and context of the text messages also suggest that YUEN had previously received sexually explicit photographs of MV1. YUEN also discussed the amount of monies that he had sent to MV1 as well as other favors he had done or provided to MV1. In the messages, YUEN repeatedly offered to pay MV1 additional sums of money if she would engage with him sexually (for example, he offered to pay her money if she will have “phone sex” with him).

8. A phone number at the top of the messages show an [REDACTED] area code with seven digits ending in [REDACTED]. Open source database checks on this phone number tie YUEN to the number with the same address as his known residence. Additionally, in response to a subpoena, Verizon Wireless confirmed that YUEN is the subscriber of the phone number. Furthermore, during an interview with law enforcement, MV1 confirmed the text messages were between herself and YUEN.

9. On August 30, 2022, law enforcement executed a federal search warrant on Apple for records associated with Apple ID [REDACTED] (Mag. No. 22-1484-WRP (D. Haw.)). On September 1, 2022, law enforcement received responsive information from Apple, including information in the iCloud account associated with YUEN.² The iCloud account was identified as YUEN's by several attribution characteristics, including, among others, the Apple ID, user name, and YUEN's residential address associated with the iCloud account. Specifically, for purposes of this complaint, the following three (3) images were observed in YUEN's iCloud account:

10. One (1) image shows a female taking a "selfie" in front of the mirror in the bathroom. A blue towel is observable in the image and a "smiley-face, star-

² iCloud is a cloud-based storage and computing service from Apple. iCloud allows its users to interact with Apple's servers, located outside of Hawaii, to utilize connected services to create, store, access, share and synchronize their data on Apple devices or via icloud.com on any Internet-connected device. For example, iCloud Photo Library and My Photo Stream can be used to store and manage images and videos taken from Apple devices, and iCloud Photo Sharing allows the user to share those images and videos with other Apple subscribers.

eyed” emoji is covering the face of the female. In the image, both breasts are exposed. The female is not wearing any underwear and the front of her vagina is visible.

- a. During a December 2022 interview with law enforcement, MV1 identified herself in this image and stated she was 17 years old when the image was taken. MV1 stated she sent this image to YUEN via iMessage. MV1 also confirmed she was 17 years old when she sent this image to YUEN.

11. One (1) image appears to be a screenshot of a vagina being held open with fingers, angled from below the legs of the female. In this image, a small “window” can be observed in the lower left-hand corner, which, based on my training and experience, appears that this screenshot was taken during a live chat or “Facetime” type of chat. No other person is observable in the smaller screen in the screenshot.

- a. During a December 2022 interview with law enforcement, MV1 identified herself in the image. MV1 stated she was 17 years old at the time this was taken and described the background surroundings as a family member’s bathroom located on the mainland. MV1 confirmed this screenshot was from a Facetime chat with YUEN, but

indicated that she did not know that YUEN was recording or otherwise capturing this Facetime; and

12. One (1) image of a vagina being held open with two fingers, but the image appears to be taken from underneath the legs of the female as a “selfie” type picture. A blue towel can be partially observed in the image.

a. During a December 2022 interview with law enforcement, MV1 identified herself in the image and stated she was 17 years old at the time. MV1 said she took this image and sent it to YUEN because YUEN had repetitively asked her for sexually explicit images of herself. MV1 also confirmed she was 17 years old when she sent this image to YUEN.

13. All three (3) of these images were located in YUEN’s Apple iCloud Drive backup, Photos folder, in a sub-folder labeled with the first initial of MV1’s first name.

\\

\\

\\

\\

CONCLUSION

WHEREFORE, based on the aforementioned facts, I respectfully submit that there is probable cause to conclude that DWAYNE YUEN committed the offense of 18 U.S.C. § 2252(a)(4)(B), possession of child pornography.

Respectfully submitted,



SHERWIN CHANG

Special Agent

Federal Bureau of Investigation

This Criminal Complaint and Affidavit in support thereof were presented to, approved by, and probable cause to believe that the defendant above-named committed the charged crime found to exist by the undersigned Judicial Officer at 8:06 p.m. on February 1, 2023.

Sworn to under oath before me telephonically, and attestation acknowledged pursuant to Fed. R. Crim. P. 4.1(b)(2), this 1st day of February 1, 2023, at Honolulu, Hawaii.



Rom A. Trader

United States Magistrate Judge