

## CRIMINAL COMPLAINT

UNITED STATES DISTRICT COURT		CENTRAL DISTRICT OF CALIFORNIA	
UNITED STATES OF AMERICA v. EDIS KAYALAR aka "Eddie"		DOCKET NO.	
		MAGISTRATE'S CASE NO. 09-	
Complaint for violation of Title 18, United States Code, Section 875 (d).			
NAME OF MAGISTRATE JUDGE Hon. MARGARET A. NAGLE		UNITED STATES MAGISTRATE JUDGE	FILED CLERK, U.S. DISTRICT COURT NOV 10 2009 CENTRAL DISTRICT OF CALIFORNIA DEPUTY LOCATION Los Angeles, CA
DATE OF OFFENSE continuing to on or about November 12, 2009	PLACE OF OFFENSE Los Angeles County	ADDRESS OF ACCUSED (IF KNOWN)	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE VIOLATION:  Beginning on or about July 13, 2009 and continuing through on or about November 12, 2009, in Los Angeles County, within the Central District of California, defendant EDIS KAYALAR, with the intent to extort money and other things of value from victims R.G. and C.C., transmitted in interstate and foreign commerce communications containing threats to injure the reputation of victims R.G. and C.C.			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED: (See attached affidavit which is incorporated as part of this Complaint)			
MATERIAL WITNESSES IN RELATION TO THIS CHARGE:			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT KELLY L. DECKER <i>KSJ</i>	
		OFFICIAL TITLE SPECIAL AGENT -- Federal Bureau of Investigation	
Sworn to before me and subscribed in my presence,			
SIGNATURE OF MAGISTRATE JUDGE(1) MARGARET A. NAGLE U.S. MAGISTRATE JUDGE		DATE November 12, 2009	

1) See Federal Rules of Criminal Procedure rules 3 and 54.

J. Rhoades:ca REC: Arrest Warrant

*JR*

A F F I D A V I T

I. INTRODUCTION

I, KELLY L. DECKER, being duly sworn, hereby depose and say:

1. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510 (7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 3052.

2. I have been employed as a Special Agent of the Federal Bureau of Investigation ("FBI") for more than eleven years. Prior to joining the FBI, I was employed by the Monterey County Sheriff's Department in Monterey, California, as a Crime Prevention Officer for approximately three years. I am currently assigned to the violent crime squad of the FBI's Los Angeles Division. I am responsible for investigating violations of federal criminal statutes, including threat-based and violent crimes. During the course of my law enforcement career, I have led and participated in numerous criminal investigations involving various violations of federal laws, including interstate and international extortion, during the course of which I have been involved in the preparation and execution of numerous search and arrest warrants, as well as conducted numerous interviews.

3. This affidavit is submitted in support of a complaint against and an arrest warrant for EDIS KAYALAR, also known as ("aka") "Eddie," aka "Brian" ("KAYALAR"), for violating Title 18, United States Code, Section 875(d), which prohibits the transmission of any communication in interstate or foreign commerce that contains any threat to injure the property or reputation of the addressee or of another with the intent to extort any money or other thing of value from any person, firm, association, or corporation.

4. This affidavit is intended to show that there is sufficient probable cause for the requested complaint and arrest warrant, and does not purport to set forth all of my knowledge of or investigation into this matter. The statements set forth in this affidavit are based on my training, education, and experience as a law enforcement officer and federal agent, as well as my role in this investigation, my consultation with other experienced law enforcement officers and agents, information derived from law enforcement and other witnesses, and information from other reliable sources of information related to this investigation. All statements contained herein are set forth in sum and substance and not necessarily in the exact words in which they were made.

## II. PROBABLE CAUSE

5. On November 1, 2009, I was contacted by Los Angeles County Sheriff's Department ("LASD") Detective Rodney Wagner of the Major Crimes Bureau. According to Detective Wagner, he had been contacted by LASD Deputy Sheriff Jeff Sweet regarding an on-going extortion scheme being committed by KAYALAR targeting Cindy Crawford ("Crawford"), a well-known public figure, and her husband, Rande Gerber ("Gerber"), an entrepreneur who is also a well-known public figure (collectively, the "victims").

Detective Wagner advised me that KAYALAR had recently been deported from the United States to Germany and that, since his deportation, he was carrying out his extortion scheme via telephone and email communication from Germany. Based on my conversations with Detective Wagner and Deputy Sheriff Sweet, as well as my review of LASD reports and subsequent interviews of the victims, I have learned the following:

a. On July 13, 2009, at approximately 7:00 p.m. (all times herein are Pacific Standard Time), Deputy Sheriff Sweet was contacted by Crawford, who advised him that she and her husband had received a disturbing telephone call from a male, since identified as KAYALAR. The following occurred during the conversation, among other things:

(1) KAYALAR asked Crawford, who initially answered the call, "Is this Cindy Crawford?" After Crawford

asked who was calling, KAYALAR stated that he had a photograph of Crawford's and Gerber's then-seven year old daughter (she is now eight), and that KAYALAR wanted to help them out because he was a "good person." Crawford then handed the telephone to Gerber.

(2) After Gerber got on the telephone, KAYALAR falsely identified himself as "Brian" and claimed that he had a "sexy" photograph of the victims' daughter in revealing clothing, bound to a chair and gagged. KAYALAR claimed that he had stolen the photograph from the victims' former nanny, who had recently been terminated (the "nanny"), and that he wanted to return the photograph. KAYALAR stated that the photograph "bothered" him and that KAYALAR felt "it just wasn't right." KAYALAR professed that he wanted to give the photograph to the victims so that it would not end up in the tabloids.

(3) KAYALAR claimed that he had stolen the photograph from the nanny, whom he had met at a bar approximately three months prior (when the nanny was still employed by the victims). KAYALAR also claimed that he had been at the nanny's apartment and retrieved Crawford's number from the nanny's cellular telephone while she was asleep.

b. Later that same day, at approximately 10:30 p.m., the victims received another telephone call from KAYALAR, who asked to meet Gerber at a bar in Venice, California, in order to give him the photograph. On several occasions during the call,

KAYALAR hinted that he was "broke" and would like a monetary reward for returning the photograph.

c. Shortly thereafter, Gerber went to a bar on Windward Avenue in Venice to retrieve the photograph from KAYALAR. Deputy Sheriff Sweet, who had been contacted by the victims after they received the first call from KAYALAR, accompanied Gerber. Upon meeting Gerber at the bar, KAYALAR identified himself as "Brian," but then later stated that his name was "Eddie." KAYALAR told Gerber that he was not looking for "ransom money," but that he was really "broke." After Gerber asked for the photograph of his daughter, KAYALAR stated that he did not have the original image with him, but showed Gerber a copy of the photograph saved on his cellular telephone. KAYALAR claimed that he had left the original photograph with friends for "security purposes."

d. KAYALAR stated that, about three months earlier, he had met the victims' then-nanny at a bar and she told KAYALAR that she worked for the victims. After returning with the nanny to her apartment, KAYALAR observed the photograph of the victims' daughter. KAYALAR claimed that the nanny identified the girl depicted in the image as Cindy Crawford's and Rande Gerber's daughter, and boasted "do you know how much this picture is worth?" According to KAYALAR, he took the photograph the next morning from the nanny's apartment, along with a handwritten note

that stated, "The babysitter went crazy & tied everyone up & they need your help! Please." KAYALAR also stated that he had searched the nanny's cell phone and retrieved Crawford's telephone number.

e. Upon being asked by Deputy Sheriff Sweet why he had kept the photograph of the victims' daughter for three months, KAYALAR stated that he was scared he would be arrested for having it in his possession.

f. KAYALAR thereafter agreed to accompany Gerber and Deputy Sheriff Sweet to the nanny's residence so that she could verify KAYALAR's claims. Upon determining that the nanny was not home, KAYALAR called and arranged to meet her at a nearby 7-Eleven convenience store. Upon arriving at the 7-Eleven, the nanny observed Gerber with KAYALAR, after which she became extremely upset and began to cry. The nanny, who had been terminated by the victims approximately one week before the initial call by KAYALAR to Crawford, apologized to Gerber and claimed that she had taken the photograph of his daughter bound and gagged merely as a prank. According to the nanny, she claimed that she was going to post the image and the note on the front door of the victims' home in order to pull a prank on Crawford, but that she had decided not to do so.

g. Gerber, Deputy Sheriff Sweet, and KAYALAR then returned to the bar where they had initially met. During the

drive, KAYALAR repeatedly asked Gerber for money for the photograph without specifying an amount, stating that he had several jobs and needed money to survive. KAYALAR also stated his belief that he could get a lot of money from the tabloids for the photograph, but claimed that he was an honest person and would not do that. KAYALAR stated that he would get the original photograph from his friend and deliver it to Gerber at a restaurant in Malibu by 2:00 p.m. the next day.

h. At some point during that evening, KAYALAR told Deputy Sheriff Sweet that he was a German citizen and that his true name on his German passport is "Edis Kayalar."

i. Early the next morning, Deputy Sheriff Sweet received a call from Gerber, who stated that KAYALAR had called him and now wanted to meet at the restaurant in Malibu at 9:00 a.m. Gerber told Deputy Sheriff Sweet that he would call and report the results of the meeting.

j. At approximately 12:00 p.m., Deputy Sheriff Sweet received a call from Gerber, who stated that he had met with and obtained a hard copy of the photograph from KAYALAR, and that Gerber gave him \$1,000 cash "for his trouble."

k. Approximately two days later, the victims contacted Deputy Sheriff Sweet and stated that KAYALAR had again called them and, this time, demanded more money for the photograph, a copy of which he claimed to still possess. KAYALAR



told the victims that he believed he could have received \$500,000 from the tabloids for the photograph and that he deserved more money from them.

l. After learning this information, Deputy Sheriff Sweet developed concerns that KAYALAR was not going to leave the victims alone and that he posed an increasing danger to their safety and well-being because KAYALAR possessed personal, non-public information about the victims. Deputy Sheriff Sweet thereafter sought aid from Detective Wagner of the Major Crimes Bureau, who subsequently contacted Immigration and Customs Enforcement ("ICE") officials for assistance. ICE officials ultimately determined that, under applicable immigration rules and regulations, KAYALAR was in the United States illegally.

m. On September 14, 2009, Gerber contacted Detective Wagner and stated that KAYALAR had again called asking for more money earlier that day, this time claiming that his car had been impounded and that he was living on the street. Detective Wagner thereafter located KAYALAR's car at an impound lot in Los Angeles.

n. On September 16, 2009, after KAYALAR arrived at the impound lot to retrieve his personal belongings from his car, he was arrested by LASD and then taken into federal custody by ICE agents for an immigration violation. Deportation proceedings were subsequently initiated against KAYALAR and he was removed

from the United States to Germany.

o. According to the victims, after they learned that KAYALAR had been sent back to Germany, they believed that they would never hear from him again.

6. I have since reviewed a copy of the subject photograph, which depicts the victims' then seven-year old daughter bound and gagged in a chair, while wearing shorts and a t-shirt. According to the victims, they first learned of the photograph's existence when they were contacted by KAYALAR, and they never consented to nor authorized anyone to take the photograph. The victims have since learned from their daughter that the nanny took the photograph as part of a purported "cops and robbers" game. On its face, however, it is not apparent that the photograph was taken as part of a game.

7. On November 1, 2009, I was contacted by Detective Wagner, who advised me that he had spoken with the victims and learned that they were again contacted by KAYALAR, this time from Germany. Based upon my subsequent interviews of the victims and review of other evidence, I have learned the following:

a. On Sunday, November 1, 2009, the victims received a telephone call at their residence from KAYALAR. After Gerber took the call, he recognized KAYALAR's voice and was able to record much of their conversation. I have since reviewed this audio recording. The following occurred during the conversation,

among other things:

(1) KAYALAR stated that he had no choice now but to extort the victims for money because they had gotten him deported. KAYALAR stated that his earlier effort to get money from them "was not extortion," but "now" it was "extortion."

(2) KAYALAR stated that \$100,000 was a reasonable amount of money and he threatened that if the victims did not pay him, he would have no choice but to release and/or sell the photograph of their bound and gagged daughter to the media.

(3) KAYALAR also threatened that if the victims went to the police or if he got arrested, he would release the photograph to the media. KAYALAR stated that, before, he had not committed any crime, but that, now, he was committing extortion, and that he knew he could get in trouble if he went to the media with the photograph.

(4) KAYALAR expressed his belief that he could make a lot of money by selling the photograph to the media and that its publication would harm the victims' image. KAYALAR stated that he was not trying "to destroy a little girl's life," but the release of the photograph was "not going to be something positive" for the victims' "image." During the same call he also stated that the victims should make the payment so that no "scandal" would arise.

(5) KAYALAR provided Gerber with a German bank account and routing information, and demanded that the \$100,000 be wired into his account within three days, or else he would sell and/or release the photograph to the media. KAYALAR stated that he was living in Germany and receiving unemployment benefits, which he hated and was not enough money, and that he needed money to move to France or Australia. KAYALAR refused to state where exactly he was in Germany.

(6) Gerber asked for proof that KAYALAR still had the photograph and KAYALAR responded that he would email a copy of the photograph to Gerber.

(7) KAYALAR reiterated that if Gerber refused to pay him the demanded money, then KAYALAR would be forced to go to the media to sell and/or release the photograph of the victims' daughter. KAYALAR told Gerber that he would have to trust KAYALAR not to go to the media if he was paid the \$100,000.

(8) KAYALAR stated that he did not do anything bad at first, but now it was a "fucked up" thing and that "extortion" was a "fucked up crime." KAYALAR also claimed that he had lost his girlfriend, who was still in the United States following his deportation, which he blamed on the victims, who he believed bore responsibility for his problems. KAYALAR also stated that he needed money to reunite with his girlfriend, as well as to pay his rent and start his life over in Germany.

KAYALAR reiterated his belief that he deserved the money he was demanding because of what the victims had done to him (apparently referring to his deportation and financial struggles).

(9) KAYALAR told Gerber that he would call back to confirm the wire transfer, which Gerber had three days to complete. Gerber asked KAYALAR for a telephone number so he could contact him, but KAYALAR refused to provide one. Instead, KAYALAR told Gerber that he could be contacted via "Skype" (an Internet communication service).

b. Shortly after the November 1, 2009 telephone conversation ended, Gerber received an email with an embedded copy of the same photograph of the victims' daughter that KAYALAR had previously given to Gerber. The email was sent from a German email account using Internet Protocol address (or "IP" address) 092.074.206.104. I know, based on my training, experience, and own research, as well as from information provided to me by other experienced law enforcement officers, the following:

(1) An IP address is a unique numeric address used by computers on the internet. An IP address looks like a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178).

(2) Every computer linked to the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer may be properly directed from its

source to its destination.

(3) An IP address can also provide a physical location where a particular computer was located when it was attached to a particular IP address.

c. An internet search of the IP address associated with KAYALAR's email indicates that the sender was in Stuttgart, Germany.

d. Subsequent research conducted in conjunction with the Bureau of Immigrations and Customs Enforcement indicated that KAYALAR has an address in Stuttgart.

e. On November 2, 2009, at the FBI's direction, Gerber subsequently sent an email to KAYALAR, who responded via telephone on November 3, 2009, and arranged to call the victims' home at 1:00 p.m. on November 4, 2009.

8. On November 4, 2009, at approximately 1:00 p.m., the victims received a telephone call at their home from KAYALAR. I, along with FBI Special Agent David Cloney, were present at the time of the call, which we recorded and monitored. The following occurred during the conversation, among other things:

a. Gerber told KAYALAR that he needed approximately five to seven more days to get the demanded money. KAYALAR stated that he would wait for the money, and that he actually wanted 100,000 Euros because the American dollar was not worth "shit" in Europe.

have they had any further contact with him, with the exception of an email sent to KAYALAR on November 10, 2009, at the direction of the FBI, stating that payment would be made later in the week.

10. Accordingly, based on my training, experience, and role in this investigation, I believe that there is probable cause establishing that KAYALAR has committed a violation of Title 18, United States Code, Section 875(d), extortion.

I declare under penalty of perjury under the laws of the United States that the above is true and correct and was executed on this 12 day of November 2009.

13/  
KELLY L. DECKER  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn before me  
this 12 day of November 2009.

MARGARET A. NAGLE  
U.S. MAGISTRATE JUDGE

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HON.  
UNITED STATE MAGISTRATE JUDGE