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OCT 10 2024

CLERK-METROPOLITAN COURT
BY R Garcia

STATE OF NEW MEXICO
COUNTY OF BERNILLO
CITY OF ALBUQUERQUE
METROPOLITAN COURT

v.

No. T 4 F R 2024 - 0 7 2 2 5

Stephen Charles Phillips (DOB: 12/31/1972), Defendant.

CRIMINAL COMPLAINT

CHARGES:

- Sexual Exploitation of Children by Prostitution (Hires)
- Statute: 30-06A-04(B)
- Code: 6828
- Language: That on or about the 9th day of October 2024, the above-named defendant in the City of Albuquerque, Bernalillo County, State of New Mexico did knowingly hire or offer to hire a child under the age of sixteen to engage in a prohibited sexual act, a second-degree felony, contrary to NMSA 1978, Section 30-6A-4(B) (2015).

AND

- Criminal Sexual Penetration (1st Degree) (Child Under 13) - attempt
- Statute: 30-09-11(D)(1) & 30-28-01
- Code: 4929
- That on or about the 9th day of October, 2024, the above named defendant in City of Albuquerque, Bernalillo County, State of New Mexico did attempt to commit a Felony, to wit: Criminal Sexual Penetration in the First Degree (Child Under 13), in that the defendant intended to commit a Felony, to wit: Criminal Sexual Penetration in the First Degree (Child Under 13), and began to do an act which constituted a substantial part of a Felony, to wit: Criminal Sexual Penetration in the First Degree (Child Under 13), but failed to commit the offense, a second degree felony, contrary to NMSA 1978, Sections 30-9-11(D)(1)(2009) and 30-28-1(1963)

STATEMENT OF PROBABLE CAUSE:

On 10/09/2024 Officers locate and a posting on the website Fetlife by the user "Amadeus4u" titled: "Baby girl to spoil" which stated: "I want a girl I can buy and try new toys out on. If you want to be fucked really good on a constant basis come say hi." An officer utilizing a UC persona contacted the poster and posed as a dad stating that he had a had a child that the poster may be interested in have sex with. The chat was quickly moved off of Fetlife and on the message application Kik.

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The Kik chat begins:

UC:

Hey man nick from fetlife

Stephen:

Hey there. I'm Stephen

UC:

Nice to meet you Stephen. Thanks for getting back to me. So you down for younger tonight? Can't say it's legal to be straight forward but I can say it's very good. We are very discreet.

Stephen:

I didn't think it would be legal. Very discreet?? Where would this be? And how old?

UC:

I'm in the NE heights. She is 12. Believe me I'm beyond discreet.

Stephen:

Humm, might be enticed if I saw how she looked or her body

UC:

She's good man
(sends picture)

Stephen:

Scary shit man
Tempting as fuck

Stephen:

You related to her?

UC:

Yup she's mine actually. And believe me with everything I'm telling you I am not looking to ruin my or my daughter's life but we all have needs

Stephen:

I'd hate to ruin my life too. It is a fetish I haven't dared to try. I am curious to what a developing young body looks like for sure.

[Later in the thread]

Stephen:

That, and I thought you make content

UC:

I avoid putting it online I only share with trusted hand to hand safer that way

Stephen:

And how would you like me to fuck your daughter?

UC:

Honestly she is broken in everything but anal is off the table she is too small. For me I just get off on the size difference. I can prep her for any you want besides anal besides rimming her

Stephen:

Is she bald, pubic hair? Has she started her period? And how would I trust a 12 yr old not to tell later. Soooo much is going through my head

[Later in the chat]

Stephen:

What do I need to bring. Does she know

UC:

I have plenty of protection here but if there are toys you want to bring let me know so I can prep her. She knows a friend is coming

Stephen:

I'm 51 ...she enjoys this

UC:

Yes she does. Let's just say she knows what the male form looks like

Stephen:

Ok... I'm on my way

A few minutes later officers observe a man walking towards the location provided by the UC. As he approached the doorway he was apprehended by officers. A search of his person revealed his cellphone, keys, wallet and a red vibrating sex toy.

The man was identified as Stephen Phillips by his state issued ID and statements made. An interview was conducted with Stephen. I first asked him for his contact information, and he provided his name, address and phone number. After that Phillips began an unsolicited statement explaining that he knew the messed up and that he should have been here and that his life was over. I then read Phillips his rights under Miranda, and he agreed to speak with us, explaining essentially the following:

He explained that he had been posting of Fetlife for years under the name Amadeus. He had made a post stating something to the effect of that he was looking for a baby girl to spoil and was contacted by a person going by Nick. He explained that Nick asked him to have sex with his 12-year-old daughter and that he had agreed. He came to the house and brought the sex toy. He explained that he was not going to use the toy on himself and that he was not going to use the toy on Nick but stopped short of admitting that he was going to use the toy on the girl.

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Benjamin Zwiibel
Complainant (Badge#: 708)

Special Agent-NMDOJ
Title

Approved:
John Duran, AAG

(Optional: Criminal Form 9-207A NMRA is available in lieu of completing this section of Criminal Form 9-201 NMRA.)

If Probable Cause Determination Required:

Probable Cause Found

Probable Cause Not Found and Defendant Released from Custody

Judge: _____

Date: _____

Time: _____

[As amended, effective September 1, 1990; April 1, 1991; November 1, 1991; as amended by Supreme Court Order No. 13-8300-020, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. S-1-RCR-2023-00026, effective for all cases pending or filed on or after December 31, 2023.]