

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2020 SEP 15 AM 11:52

CLERK  
BY LAW  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

UNITED STATES OF AMERICA )

v. )

Case No. 2:19-cr-78 )

SEAN FIORE, )

aka "Marcus," and )

[REDACTED], )

[REDACTED] )

Defendants. )

**THIRD SUPERSEDING INDICTMENT**

The Grand Jury charges:

COUNT ONE

In or about and between November 2018 and April 2019, both dates being approximate and inclusive, in the District of Vermont and elsewhere, defendant SEAN FIORE, aka "Marcus," knowingly and intentionally used and caused to be used facilities of interstate and foreign commerce, to wit, the Internet and cellular telephones, with the intent that a murder be committed in violation of the laws of the State of Vermont, in particular, 13 V.S.A. §§ 2301 and 2311, and of the United States, in particular 18 U.S.C. § 956, as consideration for the receipt of, and promise or agreement to pay, money and other items of pecuniary value, to wit, approximately \$4,000.00 (USD) paid by FIORE to [REDACTED] [REDACTED] to murder an unidentified male in a place outside the United States, to wit, [REDACTED], to whom personal injury resulted.

(18 U.S.C. § 1958(a))

COUNT TWO

On or about May 8, 2019, in the District of Vermont, defendant SEAN FIORE, aka “Marcus,” knowingly received a visual depiction of a minor engaging in sexually explicit conduct, to wit: a video file named “RealRape5.mp4,” using a means and facility of interstate and foreign commerce, where the producing of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

(18 U.S.C. §§ 2252(a)(2), 2252(b)(1))

COUNT THREE

On or about May 17, 2019, in the District of Vermont, defendant SEAN FIORE, aka “Marcus,” knowingly possessed at least one matter which contained visual depictions that had been shipped and transported using any means and facility of interstate and foreign commerce, or which were produced using materials which had been shipped and transported using any means or facility of interstate and foreign commerce, including by computer, where the production of such visual depictions involved the use of minors engaging in sexually explicit conduct and such visual depictions were of such conduct.

(18 U.S.C. §§ 2252(a)(4)(B), 2252(b)(2))

COUNT FOUR

1. In or about and between November 2018 and April 2019, both dates being approximate and inclusive, in the District of Vermont and elsewhere, defendants SEAN FIORE, aka "Marcus," and [REDACTED] together with others known and unknown to the grand jury, did knowingly and intentionally conspire to commit at a place outside the United States, to wit, [REDACTED], an act that would constitute the offenses of kidnapping and murder if committed in the special maritime and territorial jurisdiction of the United States.

2. In furtherance of this conspiracy and to effect its objects and purposes, within the District of Vermont and elsewhere, the defendants SEAN FIORE, aka "Marcus," and [REDACTED] committed and caused to be committed, among others, the following overt acts:

a. On or about November 11, 2018, FIORE asked [REDACTED] if [REDACTED] would make a video for him that would depict the beating, torture, and killing of a kidnapped adult male (the Video).

b. On or about November 14, 2018, [REDACTED] sent an email from Email Address #1, an email account [REDACTED] controlled, to FIORE at email address smothermyfaceXX@XXXXXX.com, which contained a file attachment titled [REDACTED] [translated "Movie Plan"]. This file attachment outlined a plan where [REDACTED] would kidnap, torture, and kill the person [REDACTED] kidnapped, and would do so according to instructions to be provided to [REDACTED] by FIORE.

c. On or about December 7, 2018, FIORE and [REDACTED] agreed that FIORE would pay to [REDACTED] approximately \$4,000.00 (USD) in exchange for [REDACTED] making the Video and sending it to him.

- d. On or about December 13, 2018, FIORE caused the transfer of approximately \$515.00 (USD) from FIORE's PayPal account to [REDACTED] at a PayPal account linked to Email Address #2, an email account [REDACTED] controlled.
- e. On or about January 4, 2019, FIORE caused a \$315.00 (USD) gift card to be sent from FIORE's Amazon account to [REDACTED] at Email Account #1.
- f. On or about January 19, 2019, FIORE caused approximately \$1,000.00 (USD) to be transferred from his Skrill account to [REDACTED] at Email Address #2.
- g. On or about January 19, 2019, FIORE caused approximately \$1,010.00 (USD) to be transferred from his Skrill account to [REDACTED] at Email Address #2.
- h. On or about January 21, 2019, FIORE caused a \$500.00 (USD) gift card to be sent from FIORE's Amazon account to [REDACTED] at Email Address #1.
- i. On or about February 17, 2019, FIORE sent a document called [REDACTED] to [REDACTED] using WhatsApp. [REDACTED] [translated "Script Plan"] contained details of FIORE's plan for the Video. Specifically, in [REDACTED] FIORE identified that among other things, he wanted [REDACTED] to hit and kick the kidnapped male, burn him on his face and elsewhere on his body with a lit cigarette, urinate and defecate on his body, fill his mouth with feces, wrap his head in plastic, and smother him by sitting on his face for at least seven minutes, or until he died.
- j. On or about March 6, 2019, FIORE caused approximately \$60.00 (USD) to be transferred from his Skrill account to [REDACTED] at Email Address #2.
- k. On or about March 12, 2019, FIORE caused approximately \$150.00 (USD) to be transferred from his Skrill account to [REDACTED] at Email Address #2.

1. On or about April 8, 2019, ██████████ sent an email from Email Address #1 to FIORE at email address smothermyfaceXX@XXXXXX.com. The email contained a hyperlink to a file located on the servers of the MEGA website. The file accessible through that hyperlink was a video titled ██████████ [translated “Movie death of a slave (1 hour)”]. It depicted the torture and apparent killing of an adult male who was restrained and tied to a bed.

(18 U.S.C. §§ 956(a)(1), 956(a)(2)(A))

COUNT FIVE

In or about and between September 2018 and October 2018, both dates being approximate and inclusive, in the District of Vermont and elsewhere, defendants SEAN FIORE, aka "Marcus," and [REDACTED] conspired to employ, use, persuade, induce, entice, and coerce any minor, namely John Doe #1, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, namely, the digital video file titled "20181002\_204921," knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce, and the visual depiction was transported in and affecting interstate and foreign commerce.

(18 U.S.C. §§ 2251(a), 2251(e))

COUNT SIX

In or about and between September 2018 and October 2018, both dates being approximate and inclusive, in the District of Vermont and elsewhere, defendants SEAN FIORE, aka "Marcus," and [REDACTED] did employ, use, persuade, induce, entice, and coerce, and attempted to employ, use, persuade, induce, entice, and coerce, any minor, namely John Doe #1, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, namely, the digital video file titled "20181002\_204921," knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce, and the visual depiction was transported in and affecting interstate and foreign commerce.

(18 U.S.C. §§ 2251(a), 2251(e))



COUNT SEVEN

On or about October 13, 2018, in the District of Vermont and elsewhere, defendants SEAN FIORE, aka "Marcus," and [REDACTED] [REDACTED] knowingly received and aided and abetted the knowing receipt, and attempted to receive and aid and abet the knowing receipt, of any visual depiction of a minor engaging in sexually explicit conduct, to wit: three video files named "VID-20181013-WA0034," "VID-20181013-WA0036," and "VID-20181013-WA0037," using any means or facility of interstate and foreign commerce, that has been shipped or transported in or affecting interstate or foreign commerce, by any means including by computer, where the producing of such visual depictions involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct.

(18 U.S.C. §§ 2252(a)(2), 2252(b)(1), 2)

A TRUE BILL

[REDACTED]

FOREPERSON

Christina E. Nolan  
CHRISTINA E. NOLAN (BAM)  
United States Attorney

Burlington, Vermont  
September 15, 2020