UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	:	SUPERSEDING INDICTMENT
- v. -	:	S2 19 Cr. 497 (NSR)
NACHMAN HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," SHMIEL WEINGARTEN, YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL," MORDECHAY MALKA, ARON ROSNER, a/k/a "AARON," JACOB ROSNER, a/k/a "CHAIM," and MATITYAU MOSHE MALKA,	:	
Defendants.	:	

COUNT ONE

(Conspiracy to Transport A Minor with Intent to Engage in Criminal Sexual Activity)

The Grand Jury charges:

OVERVIEW

1. The charges set forth herein stem from the role of NACHMAN HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," SHMIEL WEINGARTEN, and YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL," the defendants,

in a conspiracy to sexually exploit a minor girl ("Minor-1").

2. NACHMAN HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," SHMIEL WEINGARTEN, and YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL," the defendants, are all U.S. citizens and senior leaders of Lev Tahor, an extremist Jewish sect based in Guatemala. In or about December 2018, HELBRANS, ROSNER, and the WEINGARTENS enlisted other members of Lev Tahor, including MORDECHAY MALKA, ARON ROSNER, a/k/a "AARON," and JACOB ROSNER, a/k/a "CHAIM ROSNER," the defendants, to kidnap Minor-1 and her younger brother ("Minor-2," and together with Minor-1, the "Minors") in New York to reunite Minor-1 with JACOB ROSNER, an adult, so that ROSNER and Minor-1 could resume their sexual relationship in order to procreate. Following an international manhunt, law enforcement recovered the Minors in Mexico in or about late-December 2018. In or about March 2019, approximately four months later, HELBRANS, YAKOV WEINGARTEN, and MATITYAU MOSHE MALKA, the defendants, attempted to kidnap Minor-1 again. Approximately two years later, in or about March 2021, a co-conspirator not named as a defendant herein ("CC-1"), who is also a member of Lev Tahor, attempted to kidnap the Minors for a third time.

LEV TAHOR

3. The defendants are all members of Lev Tahor, an extremist Jewish sect currently based in Guatemala and comprised

of approximately 250 members. The group was founded in the 1980s by the father of NACHMAN HELBRANS, the defendant. HELBRANS' father remained the leader of Lev Tahor until his death in or about 2017, when HELBRANS took over and became the sect's new leader.

4. In addition to NACHMAN HELBRANS, the defendant, Lev Tahor has a number of other senior leaders, including MAYER ROSNER, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," SHMIEL WEINGARTEN, and YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL," the defendants. These individuals, among others, are known within the community as the "Hanhala" (translation: management) of Lev Tahor. The Hanhala manages the operational affairs of the community and controls every aspect of the lives of Lev Tahor's adherents. In addition, the Hanhala enlists members of the community for specific tasks, including the kidnapping of the Minors in this case.

5. After NACHMAN HELBRANS, the defendant, and his leadership team took over in or about 2017, they seized tight control over the group and embraced several extreme practices, including strict, invasive monitoring of members, frequent beatings, and forced marriages of minors to adult members. Children in Lev Tahor are often subject to physical, sexual, and emotional abuse.

MINOR-1's RELIGIOUS MARRIAGE TO DEFENDANT JACOB ROSNER

6. In or about 2017, NACHMAN HELBRANS, the defendant, arranged to have Minor-1, his then-twelve-year-old niece, engaged to be religiously "married" to JACOB ROSNER, a/k/a "CHAIM ROSNER," the defendant, who was eighteen years old at the time. JACOB ROSNER is the son of MAYER ROSNER, the defendant, a Lev Tahor community leader and a member of the Hanhala. Minor-1 and JACOB ROSNER were religiously "married" the following year when she was thirteen and he was nineteen, at which point they immediately began a sexual relationship with the goal of procreation. Minor-1 and JACOB ROSNER were never legally married.

7. All brides in the Lev Tahor community—no matter their age—are required to have sex with their husbands on predetermined intervals. New brides and grooms are also provided a tutorial before marriage instructing them on when and how to have sex with their spouse, and the Lev Tahor leadership directed young girls to tell people outside of Lev Tahor that they were not married, to pretend to be older, and to deliver babies inside their homes instead of at a hospital, partially to conceal their young ages from the public.

THE DEFENANTS KIDNAP THE MINORS FROM NEW YORK

8. In or about October 2018, the mother of the Minors (the "Mother"), who is also the sister of NACHMAN HELBRANS, the

defendant, determined that it was no longer safe for her children to remain in the Lev Tahor community in Guatemala under the authority of her brother. The Mother escaped from the group's compound and arrived in the United States in early November 2018. On or about November 14, 2018, a Temporary Order of Custody and a Temporary Order of Protection were issued in Kings County Family Court (in Brooklyn, New York) granting the Mother temporary custody of her six children, including the Minors. Those orders also prohibited the children's father, a leader within Lev Tahor who is not named as a defendant herein, from having any communication with the children.

9. After the Mother fled Guatemala and settled in New York with her children, NACHMAN HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," SHMIEL WEINGARTEN, YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL," MORDECHAY MALKA, ARON ROSNER, a/k/a "AARON," and JACOB ROSNER, a/k/a "CHAIM," the defendants, and others known and unknown, devised a plan to return the Minors, then fourteen and twelve years old, to Lev Tahor.

10. At approximately 3 a.m. on or about December 8, 2018, NACHMAN HELBRANS, SHMIEL WEINGARTEN, MORDECHAY MALKA, and JACOB ROSNER, a/k/a "CHAIM," the defendants, and others known and unknown, executed that plan and kidnapped the Minors from a home in Woodridge, New York.

11. NACHMAN HELBRANS, SHMIEL WEINGARTEN, MORDECHAY MALKA, and JACOB ROSNER, a/k/a "CHAIM," the defendants, and others known and unknown, took the Minors to a hotel where the children were given new clothes to change into before being driven to Scranton International Airport in Pennsylvania. HELBRANS also gave the Minors airplane tickets and showed them passports bearing the names of two children of HELBRANS, since the Mother possessed the Minors' actual passports. HELBRANS and the Minors, using disguises meant to conceal their identities, proceeded through airport security in Scranton. They then flew to Washington D.C., then to Texas, and then took a bus across the border to Mexico. Other defendants, including SHMIEL WEINGARTEN, MORDECHAY MALKA, and JACOB ROSNER, took separate routes out of the country, all finding their way to Mexico.

12. Once in Mexico, NACHMAN HELBRANS, the defendant, and others known and unknown, transported the Minors to several hotels and residences. During this period, the defendants sought and received logistical help from members of Lev Tahor in the United States, Mexico, and Guatemala. At various times, the Minors and HELBRANS were met by other co-conspirators, including MAYER ROSNER, JACOB ROSNER, a/k/a "CHAIM ROSNER," YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL, and MATITYAU MOSHE MALKA, the defendants, and others known and unknown,.

13. On or about December 27, 2018, after a three-week

search involving scores of local, federal, and international law enforcement entities, the Minors were recovered in a hotel in Mexico. At the time, they were accompanied by SHMIEL WEINGARTEN and YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL, the defendants.

14. At the time of the December 2018 kidnapping, Lev Tahor leadership was seeking asylum for the entire Lev Tahor community in the Islamic Republic of Iran.

FURTHER ATTEMPTS TO KIDNAP THE MINORS BY LEV TAHOR MEMBERS

15. In or about March 2019, approximately three months after the Minors were recovered in Mexico, NACHMAN HELBRANS, YAKOV WEINGARTEN, a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," and MATITYAU MOSHE MALKA, the defendants, and others known and unknown, attempted to kidnap Minor-1 a second time. During this attempt, MALKA provided Minor-1 with a number of drop phones and pills of a mood-altering prescription drug.

16. In or about March 2021, CC-1, a member of Lev Tahor, approached the Minors in New York and attempted to kidnap them once again. At the time of this attempted kidnapping, CC-1 possessed three bus tickets from New York to Georgia, drop phones, children's clothing, and birth certificates for two children of ages similar to the Minors. By late March 2021, CC-1 had returned to the Lev Tahor compound in Guatemala.

STATUTORY ALLEGATIONS

17. From at least on or about December 5, 2018 up to and

including at least on or about December 27, 2018, in the Southern District of New York and elsewhere, NACHMAN HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," SHMIEL WEINGARTEN, and YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL," the defendants, and others known and unknown, would and did knowingly transport an individual who had not attained the age of 18 years in interstate and foreign commerce with the intent that the individual engage in sexual activity for which any person can be charged with a criminal offense, and conspired to do so, to wit, HELBRANS, ROSNER, YAKOV WEINGARTEN, SHMIEL WEINGARTEN, and YOIL WEINGARTEN devised and executed a plan to transport Minor-1 from New York to Pennsylvania and other states en route to Mexico and Guatemala with a dominant motive of reuniting her with JACOB ROSNER so that they would engage in criminal sexual activity—namely, sexual activity for which a person can be charged with a criminal offense under New York Penal Law § 130.30, the Penal Code of the State of Mexico, Article 273, the Penal Code of Guatemala, Article 176, and Title 18, United States Code, Section 2423(c).

(Title 18, United States Code, Sections 2423(a) and (e).)

COUNT TWO

(Conspiracy to Travel with Intent to Engage in Illicit Sexual Conduct)

The Grand Jury further charges:

18. The allegations contained in paragraphs 1 through 16 of this Indictment are repeated and realleged as if fully set forth within.

19. From at least on or about December 5, 2018 up to and including at least on or about December 27, 2018, in the Southern District of New York and elsewhere, NACHMAN HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," SHMIEL WEINGARTEN, and YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL," the defendants, and others known and unknown, would and did knowingly travel in interstate commerce with a motivating purpose of engaging in illicit sexual conduct, and conspired to do so, to wit, HELBRANS, ROSNER, YAKOV WEINGARTEN, SHMIEL WEINGARTEN, and YOIL WEINGARTEN devised and executed a plan to travel and transport Minor-1, then fourteen years old, from New York to Pennsylvania and other states en route to Mexico and Guatemala with a motivating purpose of reuniting her with JACOB ROSNER, then twenty years old, so that they would engage in illicit sexual conduct—namely, a sexual act with a person under eighteen years of age that would be in violation of Title 18, United States

Code, Section 2243(a) (which prohibits knowingly engaging in a sexual act with a person under sixteen who is at least four years younger than the person so engaging) if the sexual act occurred in the special maritime and territorial jurisdiction of the United States.

(Title 18, United States Code, Sections 2423(b) and (e).)

COUNT THREE

(Conspiracy to Kidnap, Unlawfully Use a Means of Identification, and Enter by False Pretenses the Secure Area of an Airport)

The Grand Jury further charges:

20. The allegations contained in paragraphs 1 through 16 of this Indictment are repeated and realleged as if fully set forth within.

21. From at least on or about December 5, 2018 up to and including at least on or about March 16, 2021, in the Southern District of New York and elsewhere, NACHMAN HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," SHMIEL WEINGARTEN, YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL," MORDECHAY MALKA, ARON ROSNER, a/k/a "AARON," JACOB ROSNER, a/k/a "CHAIM ROSNER," and MATITYAU MOSHE MALKA, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, international parental kidnapping, in

violation of Title 18, United States Code, Section 1204, unlawful transfer, possession, and use of a means of identification, in violation of Title 18, United States Code, Section 1028(a)(7), and entry by false pretenses to any secure area of any airport, in violation of Title 18, United States Code, Section 1036.

22. It was a part and object of the conspiracy that NACHMAN HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," SHMIEL WEINGARTEN, YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL," MORDECHAY MALKA, ARON ROSNER, a/k/a "AARON," JACOB ROSNER, a/k/a "CHAIM ROSNER," and MATITYAU MOSHE MALKA, the defendants, and others known and unknown, would and did remove and retain two children, Minor-1 and Minor-2, who had been in the United States, outside the United States, with intent to obstruct the lawful exercise of parental rights, in violation of Title 18, United States Code, Section 1204.

23. It was a part and object of the conspiracy that NACHMAN HELBRANS, the defendant, and others known and unknown, would and did knowingly transfer, possess, and use, in and affecting interstate and foreign commerce, without lawful authority, a means of identification of another person, knowing that the means of identification belonged to another actual person, with the intent to commit, and to aid and abet, and in

connection with any unlawful activity that constitutes a violation of Federal law or that constitutes a felony under any applicable State or local law, to wit, on or about December 8, 2018, HELBRANS used his own children's identities to unlawfully evade airport security by pretending that Minor-1 and Minor-2 were his children, in order to unlawfully remove Minor-1 and Minor-2 from the United States, with intent to obstruct the lawful exercise of parental rights, all in violation of Title 18, United States Code, Section 1028(a)(7).

24. It was a part and object of the conspiracy that NACHMAN HELBRANS, the defendant, and others known and unknown, would and did, by fraud and false pretense, enter and attempt to enter any secure area of any airport, with intent to commit a felony, to wit, on or about December 8, 2018, HELBRANS fraudulently portrayed Minor-1 and Minor-2 as his own children in order to enter the secure area of Wilkes Barre Scranton International Airport, in order to unlawfully remove Minor-1 and Minor-2 from the United States, with intent to obstruct the lawful exercise of parental rights, all in violation of Title 18, United States Code, Section 1036.

Overt Acts

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

elsewhere:

a. On or about December 5, 2018, MORDECHAY MALKA, the defendant, rented a car for the purpose of transporting the Minors.

b. On or about December 5, 2018, JACOB ROSNER, a/k/a "CHAIM ROSNER," SHMIEL WEINGARTEN, and MORDECHAY MALKA, the defendants, drove to a retail store to purchase clothing that the Minors could wear during the kidnapping to hide that they were ultra-Orthodox Jews.

c. On or about December 8, 2018, NACHMAN HELBRANS, MAYER ROSNER, SHMIEL WEINGARTEN, MORDECHAY MALKA, and JACOB ROSNER, the defendants, kidnapped the Minors from a residence in the Village of Woodridge, Sullivan County, New York, where they were staying with the Mother.

d. On or about December 8, 2018, NACHMAN HELBRANS, the defendant, used his own children's identities to allow the Minors to enter the secure area of an airport, board an aircraft, and—ultimately—to leave the United States.

e. On or about December 7, 8, 9, and 19, 2018, ARON ROSNER, a/k/a "AARON," the defendant, sent money to co-conspirators via Google Pay in order to facilitate the removal and retention of the Minors.

f. On or about December 16, 2018, MAYER ROSNER, the defendant, called a co-conspirator not named as a defendant

herein ("CC-2") to convince him to come to Mexico to evade law enforcement.

g. On at least four occasions in or about March 2019, MATITYAU MOSHE MALKA, the defendant, provided Minor-1 with cellular telephones in order to facilitate her removal and retention.

h. In or about March 2021, CC-1 approached the Minors and attempted to take them back to Guatemala.

(Title 18, United States Code, Section 371.)

COUNT FOUR

(International Parental Kidnapping)

The Grand Jury further charges:

26. The allegations contained in paragraphs 1 through 16 and paragraph 27 of this Indictment are repeated and realleged as if fully set forth within.

27. From at least on or about December 8, 2018 up to and including at least on or about December 27, 2018, in the Southern District of New York and elsewhere, NACHMAN HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," SHMIEL WEINGARTEN, YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL," MORDECHAY MALKA, ARON ROSNER, a/k/a "AARON," and JACOB ROSNER, a/k/a "CHAIM," the defendants, did remove and retain a child, who had been in the

United States, outside the United States, with intent to obstruct the lawful exercise of parental rights, to wit, HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN, SHMIEL WEINGARTEN, YOIL WEINGARTEN, MORDECHAY MALKA, ARON ROSNER, and JACOB ROSNER, removed and retained Minor-1 outside the United States and away from her mother, who was lawfully in custody of Minor-1, and aided and abetted the same.

(Title 18, United States Code, Sections 1204(a) and 2.)

COUNT FIVE

(International Parental Kidnapping)

The Grand Jury further charges:

28. The allegations contained in paragraphs 1 through 16 and paragraph 27 of this Indictment are repeated and realleged as if fully set forth within.

29. From at least on or about December 8, 2018 up to and including at least on or about December 27, 2018, in the Southern District of New York and elsewhere, NACHMAN HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," SHMIEL WEINGARTEN, YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL," MORDECHAY MALKA, ARON ROSNER, a/k/a "AARON," and JACOB ROSNER, a/k/a "CHAIM," the defendants, did remove and retain a child, who had been in the United States, outside the United States, with intent to obstruct the lawful exercise of parental rights, to wit,

HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN, SHMIEL WEINGARTEN, YOIL WEINGARTEN, MORDECHAY MALKA, ARON ROSNER, and JACOB ROSNER, removed and retained Minor-2 outside the United States and away from his mother, who was lawfully in custody of Minor-2, and aided and abetted the same.

(Title 18, United States Code, Sections 1204(a) and 2.)

COUNT SIX

(International Parental Kidnapping)

The Grand Jury further charges:

30. The allegations contained in paragraphs 1 through 16 and paragraph 27 of this Indictment are repeated and realleged as if fully set forth within.

31. From at least on or about March 15, 2019 up to and including at least on or about March 25, 2019, in the Southern District of New York and elsewhere, NACHMAN HELBRANS, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," and MATITYAU MOSHE MALKA, the defendants, did attempt to remove and retain a child, who had been in the United States, outside the United States, with intent to obstruct the lawful exercise of parental rights, to wit, NACHMAN HELBRANS, YAKOV WEINGARTEN, and MATITYAU MOSHE MALKA attempted to remove and retain Minor-1 outside the United States and away from her mother, who was lawfully in custody of Minor-1, and aided and abetted the same.

(Title 18, United States Code, Sections 1204(a) and 2.)

FORFEITURE ALLEGATION

32. As a result of committing the offenses alleged in Counts One and Two of this Indictment, NACHMAN HELBRANS, MAYER ROSNER, YAKOV WEINGARTEN a/k/a "YAAKOV," a/k/a "YANKEV NACHUM," a/k/a "YAKOV NACHUM," SHMIEL WEINGARTEN, and YOIL WEINGARTEN, a/k/a "YOLE," a/k/a "YOEL," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2428, any and all property, real and personal, constituting or derived from proceeds obtained, directly or indirectly, as a result of said offenses; and any and all property, real or personal, that was used or intended to be used to commit or facilitate the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of property involved in said offenses and proceeds traceable to the commission of said offenses.

Substitute Asset Provision

33. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)

FOREPERSON

Audrey Strauss

AUDREY STRAUSS
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MORDECHAY MALKA,
ARON ROSNER, a/k/a "AARON,"
JACOB ROSNER, a/k/a "CHAIM," and
MATITYAU MOSHE MALKA,

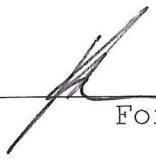
Defendants.

INDICTMENT

S2 19 Cr. 497 (NSR)

(18 U.S.C. §§ 371, 1204, 2423.)

AUDREY STRAUSS
United States Attorney



Foreperson