

**COUNTY OF SUFFOLK
DISTRICT ATTORNEY'S OFFICE**



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Charge dismissed against Dix Hills man accused of recording boy in bathroom

An unlawful surveillance charge against Defendant Luis Flores Jr. of Dix Hills was dismissed in Suffolk County court today after an investigation found no evidence to sustain the charge that alleged Flores used his cellphone to take photos of an 8-year old boy using the bathroom in a North Babylon restaurant last May.

A forensic examination of the defendant's cellphone by the Computer Crimes Unit of the Suffolk County Police Department did not yield any images from the restaurant bathroom where the crime allegedly occurred, nor was there any other probative evidence found on Flores's phone.

An examination of the facts found the version of events, as articulated by the young victim and his father, contained fundamental inconsistencies with the events recorded by the restaurant's in-house video security system.

At today's court appearance, Assistant District Attorney John Cortes, in dismissing the charge, explained that a review of the Hibachi Grill surveillance video did not support the boy's or his father's account of the alleged crime, including the number of men in the restroom when the alleged crime occurred, specifically the father's claim, disproven by the security video, that no one else was in the bathroom with his son when he left him. The restaurant video showed when the boy's father exited the bathroom, it was not empty; there were approximately four other males present, including the defendant.

An adult male exited the restroom approximately ten seconds after the father left the restroom, and Flores left approximately fifteen seconds later. Two other unidentified males left the restroom less than a minute after Flores' exit. Before the alleged victim's father returned to the bathroom approximately four minutes after initially leaving his son in the restroom, another two unidentified adult males would enter and exit the bathroom.

The surveillance video shows Flores standing around the bathroom area, utilizing his cellphone after exiting the bathroom. The father of the alleged victim told police that when he went to retrieve his son, the defendant was "loitering" outside the bathroom playing with his phone

and that Flores looked as if he was going to return to the bathroom, but left after making eye contact with him.

A forensic analysis of the defendant's phone by Computer Crimes analysts revealed the defendant was exchanging text messages with his female dining companion as both had visited their respective restrooms as they were leaving the restaurant.

When his son reported to him that he saw a hand holding a smartphone reaching over the stall door and made clicking noises as well as emitting a flash, the father alerted restaurant staff and later reviewed the restaurant's surveillance footage, identifying Mr. Flores as the offender. The boy did not see the defendant's face, and was unable to identify a specific phone that was used.

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Defendants are entitled to a fair trial with the burden on the government to prove guilt beyond a reasonable doubt.