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JAN 29 2013

TONIANNE J. BONGIOVANNI
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :
V. :
FREDY ARBITO :
:

CRIMINAL COMPLAINT
Mag. No. 13-5015 (TJB)

I, Anthony D. Jones, being duly sworn, state the following is true and correct to the best of my knowledge and belief. At least as early as on or about January 28, 2013, in Mercer County, in the District of New Jersey, and elsewhere, defendant FREDY ARBITO did:

knowingly and wilfully possess material which contained at least three images of child pornography, as defined in 18 U.S.C. § 2256(8)(A), which were shipped and transported in interstate and foreign commerce, including by computer, and were produced using materials that were shipped and transported in interstate and foreign commerce, including by computer,

in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

I further state that I am a Special Agent with the United States Department of Homeland Security, and that this complaint is based on the following facts:

SEE ATTACHMENT A

continued on the attached page and made a part hereof.


Anthony D. Jones, Special Agent
United States Department of
Homeland Security

Sworn to before me and subscribed in my presence,
January 29, 2013 at Trenton, New Jersey

HONORABLE TONIANNE J. BONGIOVANNI
UNITED STATES MAGISTRATE JUDGE


Signature of Judicial Officer

ATTACHMENT A

I, Anthony D. Jones, a Special Agent with the Department of Homeland Security ("HSI"), having conducted an investigation and discussed this matter with other law enforcement officers who have participated in this investigation, have knowledge of the following facts:

1. In or about July 2011, A.C., a fourteen year-old Ecuadorian female residing in Cuenca, Ecuador, while utilizing the MSN Messenger service, received a request to chat from an individual self-identified as "Angely Mendoza-Hernandez." At the time of the request, A.C. had no prior knowledge of anyone by that name.

2. Mendoza-Hernandez used the email address of "aneni98@hotmail.com." Over the course of the next year, A.C. and Mendoza-Hernandez developed an online friendship to the point that they started engaging in video chats via MSN Messenger.

3. At some point during 2011, Mendoza-Hernandez sent A.C. a friend request on the Facebook website, using the user ID of "aneni.mendoza". A.C. described Mendoza-Hernandez as a young female with light brown curly hair. During the course of the online friendship, A.C. had a conversation with Mendoza-Hernandez in which A.C. told Mendoza-Hernandez that she was fourteen years old. Mendoza-Hernandez told A.C. that Mendoza-Hernandez was from Cali, Colombia where she was residing with her mother and twelve year-old sister. Mendoza-Hernandez also told A.C. that she was in high school.

4. During the video chats, Mendoza-Hernandez was able to convince A.C. to start appearing nude while on camera. The sessions started where A.C. would appear topless, culminating with A.C. appearing completely unclothed. In or about 2012, Mendoza-Hernandez began asking A.C. to masturbate while on camera. A.C. refused to do so; however, Mendoza-Hernandez became very persistent. A.C. became scared and decided to "block" Mendoza-Hernandez on MSN Messenger.

5. Over a period of time in approximately mid-2012, Mendoza-Hernandez, utilizing the aneni98@hotmail.com address, sent A.C. several threats indicating that Mendoza-Hernandez would send naked photos of A.C. to A.C.'s Facebook friends if A.C. did not comply with Mendoza-Hernandez' demands to masturbate while on camera.

6. For example, on or about June 6, 2012, Mendoza-Hernandez sent A.C. an email utilizing the aneni98@hotmail.com address, stating: "Look you little whore, I have a video and I am going to send it to everybody!!!" The email attached a photo of A.C. wearing panties with her shirt was pulled up, exposing her naked breasts. A.C. confirmed that this still image was created from a video chat session she had with Mendoza-Hernandez.

7. On or about July 15, 2012, Mendoza-Hernandez sent A.C. an email utilizing the aneni98@hotmail.com address, stating: "I told you what I want for you to do. I'll leave

you alone. If not, I will continue to bother you and you will end up losing. So think about it."

8. On or about July 15, 2012, Mendoza-Hernandez sent A.C. an email utilizing the aneni98@hotmail.com address, stating: "answer soon because once you return to school everyone will know." On or about July 17, 2012, Mendoza-Hernandez sent A.C. an email utilizing the aneni98@hotmail.com address stating: "ok I see that you don't care so I will continue."

9. On or about July 18, 2012, Mendoza-Hernandez sent A.C. an email utilizing the aneni98@hotmail.com address, stating: "look you are not the only one I have done this, some of your girlfriends. So if you do what I ask, I will leave you alone. You have no other way out, but just trust me. I do keep my word."

10. On or about July 18, 2012, Mendoza-Hernandez sent A.C. an email utilizing the aneni98@hotmail.com address, stating: "tell me if we have an agreement or not."

11. On or about July 19, 2012, Mendoza-Hernandez sent A.C. an email utilizing the aneni98@hotmail.com address, stating: "ok I see that you don't care so I will continue with photos to your friends." On or about July 19, 2012, Mendoza-Hernandez sent A.C. an email utilizing the aneni98@hotmail.com address, stating: "ok I will not show to anyone else if you do it with me on camera, ok."

12. On or about July 23, 2012, Mendoza-Hernandez sent A.C. an email utilizing the aneni98@hotmail.com address, stating: "ok it's for your own good because one of your friends is preparing a webpage and he asked for your photos to download."

13. A.C. continued to refuse these demands, after which Mendoza-Hernandez sent four still images of A.C. to at least one of A.C.'s Facebook friends. One of the four images was the same image Mendoza-Hernandez sent to A.C. on or about June 6, 2012, as described above. The other three were images of A.C.'s unclothed genital area. A.C. confirmed to law enforcement that the four images were still images created from the video chat sessions she had with Mendoza-Hernandez.

14. Header information was obtained from the emails sent to A.C. by Mendoza-Hernandez utilizing the aneni98@hotmail.com email address. The header information indicated that all of the emails originated from an un-proxied IP address (the "IP ADDRESS") that was associated with an account for High Speed Internet Service for an active account at a residence located at 336 Morrison Avenue, Hightstown, New Jersey 08520 (the "RESIDENCE"). The account was created on October 5, 2010 and the subscriber for the service at that address was the Defendant FREDY ARBITO's father.

15. The IP ADDRESS also appeared on "eDonkey2000," a peer-to-peer ("P2P") file-sharing network known for trading child pornography, from March 7, 2012 to August 31, 2012, sharing 106 files containing unique hash Id values of known child pornography.

16. The IP log for aneni98@hotmail.com was shows that it was accessed from the IP ADDRESS from December 3, 2012 to January 2, 2013.

17. Defendant FREDY ARBITO provided the address of the RESIDENCE when applying to renew his United States passport.

18. Investigation further determined that Defendant FREDY ARBITO traveled to Ecuador on January 10, 2013, and returned on January 27, 2013, and that he traveled to Cuenca, Ecuador on this trip. The aneni98@hotmail.com account has been accessed from several IP addresses located in Ecuador starting on or about January 12, 2013 through on or about January 14, 2013. Investigation has determined that these IP addresses were not proxied.

19. On or about January 28, 2013, HSI executed a search warrant on the RESIDENCE. At the time, HSI arrived, Defendant FREDY ARBITO was asleep in a first-floor bedroom of the RESIDENCE ("DEFENDANT'S ROOM"). Defendant ARBITO admitted that DEFENDANT'S BEDROOM was his bedroom, and the other occupants of the RESIDENCE stated that when Defendant ARBITO was not at the RESIDENCE, he kept the door to DEFENDANT'S BEDROOM locked.

20. HSI recovered three (3) laptop computers; two (2) external hard drives; five (5) thumb-drives and six (6) cellular telephones and other computer equipment (the "COMPUTER EQUIPMENT"). One of the external hard drives and three (3) of the thumb drives were found between the mattress and box-spring of the bed in DEFENDANT'S BEDROOM.

21. During the initial scan of the COMPUTER EQUIPMENT, HSI determined that it contained child pornography.

22. Thereafter, agents from HSI reviewed the contents of the COMPUTER EQUIPMENT. Among the files were numerous images and videos of what appear to be child pornography, as defined by Title 18, United States Code, Section 2256(8).

23. Five of the files are described as follows:

- a. Original filename: DCM03452.jpg
SHA1:3C673952E6B1D49C78D5467407C9274C1B6182DA Image of a nude prepubescent female lying on her back wearing black nylon stockings and a brown leather dog collar around her neck. The prepubescent female has her arms bound above her head with yellow nylon rope. Her legs are spread open and bound with the same type of rope exposing her genitalia. The prepubescent female is an identified child victim verified through the National Center for Missing and Exploited Children.

b. Original filename: DMC02154.jpg

SHA1:F85DFFC3EC5F2B061E384EBDDC62B064C1B48F6D Image of a nude prepubescent female with a brown leather dog collar around her neck. The prepubescent female is performing fellatio on a canine. The prepubescent female is an identified child victim verified through the National Center for Missing and Exploited Children.

c. Original filename: 2011 Elly 7yo niece (private)- FUCK ME_xvid++++.avi

SHA1:049264EEC1A7285FBC6E30132E13963D5313C88B Video of a nude prepubescent female lying on her back on a brown couch. The prepubescent female has "fuck me" and an arrow pointing at her genitalia drawn on her stomach in black ink. She is seen being penetrated by an adult male penis. The video is approximately one minute and twenty-three seconds in duration. The prepubescent female is an identified child victim verified through the National Center for Missing and Exploited Children.

d. Original filename: #(pthc) 9yo Jenny blows Dad & Dog.mpg

SHA1:07ABAE731349B6502FF720015868CAA7DA67BB82 Video of a nude prepubescent female lying on her back wearing black nylon stockings and a brown leather dog collar around her neck. The prepubescent female has her arms bound above her head with yellow nylon rope. Her legs are spread open and bound with the same type of rope exposing her genitalia. The prepubescent female is seen performing fellatio on an adult male as well as a canine. The adult male is also seen penetrating the prepubescent female's genitalia using his fingers. The video is approximately sixteen minutes and fifty-three seconds in duration. The prepubescent female is an identified child victim verified through the National Center for Missing and Exploited Children.

e. Original filename: anisamarch.camrec

SHA1:2C1CAC153CB240EF02FB399FDCA9E99AA13795D7 Video of minor female which appears to be approximately 14-16 years old streaming on MSN Messenger via webcam wearing a pink shirt and blue underwear in what appears to be a bedroom. The minor female is seen in various states of undress as well as masturbating. The video appears to be a screen capture created by a party to the MSN messenger video chat conversation named Angely Mendoza Hernandez. The video is approximately thirty-six minutes and eighteen seconds in duration. This video shows A.C. wearing panties with her shirt pulled up, exposing her naked breasts, which is consistent with the image that was sent to A.C. on or about June 6, 2012, as described in Paragraph 6, above.

24. Based upon my education, training, and experience, my discussions with other law enforcement officers, the files described in paragraphs 23a through 23e above, based upon their location and method of storage on the COMPUTER EQUIPMENT, were produced using materials that were shipped and transported in interstate and foreign commerce, including by computer.

25. Also on the COMPUTER EQUIPMENT, were files relating to A.C. These files, included, among other things, the photo of A.C. wearing panties with her shirt pulled up, exposing her naked breasts, which was sent to A.C. on or about June 6, 2012, as described in Paragraph 6, above.