

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

ROCCO MARTINO

Hon. Mark Falk

Mag. No. 10-3693

**CRIMINAL COMPLAINT**

I, Kevin P. Matthews, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

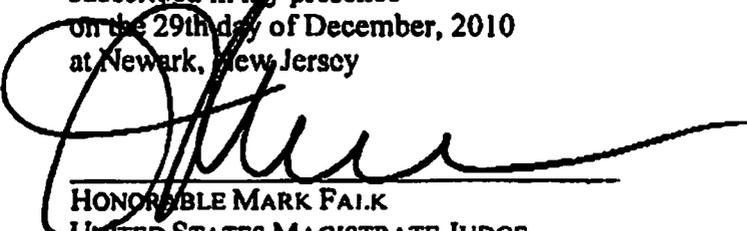
SEE ATTACHMENT B

continued on the attached pages and made a part hereof.



Kevin P. Matthews, Special Agent  
Federal Bureau of Investigation

Sworn to before me, and  
subscribed in my presence  
on the 29th day of December, 2010  
at Newark, New Jersey



HONORABLE MARK FALK  
UNITED STATES MAGISTRATE JUDGE

## **ATTACHMENT A**

**On or about December 21, 2010, in Essex County, in the District of New Jersey, and elsewhere, defendant ROCCO MARTINO**

**did knowingly possess and knowingly access with intent to view material that contained at least three images of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), which images were mailed, shipped, and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and which were produced using materials that were mailed, shipped, and transported in and affecting interstate and foreign commerce, by any means, including by computer,**

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

## ATTACHMENT B

I, Kevin P. Matthews, am a Special Agent with the Federal Bureau of Investigation ("FBI"). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. On several occasions beginning on or about November 22, 2010 through and including December 15, 2010, law enforcement agents accessed a publicly available peer to peer file sharing ("P2P") network on the Internet and determined that an individual using an Internet Protocol Address ("IP Address") registered to a ROCCO MARTINO at an address located in South Orange, New Jersey had video and image files depicting child pornography in his shared directories. The undercover agents downloaded child pornography videos and child pornography images from this individual. Three of the files downloaded by law enforcement agents from this individual had filenames and descriptions as follows:

FILENAME	DESCRIPTION
0_34703900_1188156506	This image appears to depict an approximately 3 year old, naked Caucasian female lying on a gray blanket. The prepubescent child has brown hair and a red ball gag in her mouth. Her hands and arms are over her head on the blanket and her wrists are tied with rope. Her legs are spread exposing her vagina to the viewer of the image. There is white rope or elastic around her knees. The words "Lick me PLEASE" are written on the prepubescent child's stomach with an arrow pointing towards her vagina.
2Yo Boy Toddler Raamat BoyVideo 5 011_0004	This image appears to depict an approximately 2 year old, naked, Caucasian, blond boy visible from the stomach to his head. A naked, Caucasian adult male is standing in front of the child visible from the chest to his thighs. The adult male's right hand is touching his erect penis and his left hand is on the back of the child. The adult male's penis is touching the right cheek and nose of the child. He appeared to ejaculate on the child's nose. The child's left arm is raised next to his face.

FILENAME	DESCRIPTION
Yng Hot Ass 68	<p>This image appears to depict a naked prepubescent female sitting on the middle bed of three twin beds pushed together. The beds have white sheets with two green blankets. There are two brown wooden headboards on the wall. This young female is bound with white rope in several places. Her ankles are bound together. The young girl's knees are bound together that is attached to a rope wrapping around her neck. The young girl's bare chest is bound with two ropes which are also restraining her arms behind her. The girl's left hand is visible on the mattress and has white rope bound around her wrist. Her hair is pulled back, wet, and disheveled. Behind the young girl and to the right is a naked adult male kneeling on top of a young child. This child is bound at the chest with similar white rope. This child's hair also appears wet. The adult male is inserting an object into this child's mouth. Behind the adult male is the left forearm and elbow of a child.</p>

2. On or about December 21, 2010, federal law enforcement officers executed a search warrant at ROCCO MARTINO's home located in South Orange, New Jersey. Law enforcement officers seized a computer (the "Computer"). Law enforcement officers scanned the Computer for images and found, among other things, the files described in paragraph 1 above.

3. Subsequent to the execution of the search warrant, on or about December 21, 2010 and December 22, 2010, law enforcement agents interviewed ROCCO MARTINO, who admitted, in substance and in part, that (1) he possesses child pornography; (2) he masturbated to child pornography; (3) he is the only resident of the premises that law enforcement officers had searched; and (4) the Computer belongs to him.

4. Based upon my training and experience, the admissions made by ROCCO MARTINO, and to the best of my knowledge and belief, the images described in paragraph 1 above were downloaded from the Internet.