

UNITED STATES DISTRICT COURT  
for the  
District of New Jersey

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WILLIAM T. WALSH, CLERK

United States of America )  
v. )  
Carl Timm )  
 )  
 )  
 )

Case No. 10-mj-2019

Defendant

CRIMINAL COMPLAINT

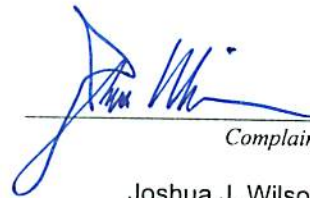
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 01/29/2010 in the county of Cumberland in the \_\_\_\_\_ District of New Jersey, the defendant violated 18 U. S. C. § see below, an offense described as follows:

knowingly distributed more than ten graphic images of child pornography as defined in Title 18, United States Code, Section 2256(8), each of which had been mailed, or shipped, or transported in interstate or foreign commerce by any means, including by computer...in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

This criminal complaint is based on these facts:

Continued on the attached sheet.

  
Complainant's signature  
Joshua J. Wilson, Special Agent, FBI  
Printed name and title

Sworn to before me and signed in my presence.

Date: 05/03/2010

  
Judge's signature  
Joel Schneider, U.S. Magistrate Judge  
Printed name and title

City and state: Camden, New Jersey

## AFFIDAVIT

I, Joshua J. Wilson (“Your affiant”), a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Newark Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since 2004 and am currently assigned to the Newark Field Office. Since January 2009, I have been assigned cases involving the online sexual exploitation of children. As part of my duties as a Special Agent assigned to these cases, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the possession, distribution, and receipt of child pornography, in violation of 18 U.S.C. 2252 and 2252A. I have previously participated in over 100 investigations involving these types of crimes. As part of my duties, I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. 2256) in all forms of media including computer media. In addition, I have been trained in computer crimes, including crimes involving the exploitation of children.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. Peer to peer (P2P) file sharing is a method of communication available to Internet users through the use of special software. Computers linked together through the Internet using this software form a network that allows for the sharing of digital files between users on the network. A user first obtains the P2P software, which can be downloaded from the internet. In general, P2P software allows the user to set up file(s) on a computer to be shared with others running compatible P2P software. A user obtains files by opening the P2P software on the user’s computer, and conducting a search for files that are currently being shared on the network. Limewire, one type of P2P software, sets up its searches by keyword. The results of the

keyword search are displayed to the user. The user then selects file(s) from the results for download. The download of a file is achieved through a direct connection between the computer requesting the file and the computer containing the file.

4. For example, a person interested in obtaining child pornographic images would open the P2P application on his/her computer and conduct a search for files using a term such as “preteen sex.” The search is sent out over the network of computers using compatible P2P software. The results of the search are returned to the user's computer and displayed. The user selects from the results displayed the file(s) he/she wants to download. The file is downloaded directly from the computer hosting the file, and is stored in the area previously designated by the user. The downloaded file will remain there until moved or deleted.

5. One of the advantages of P2P file sharing is that multiple files may be downloaded in parallel. This means that the user can download more than one file at a time. In addition, a user may download parts of one file from more than one source computer at a time. For example, a Limewire user downloading an image file may actually receive parts of the image from multiple computers. The advantage of this is that it speeds up the time it takes to download the file. Often, however, a Limewire user downloading an image file receives the entire image from one computer.

6. A P2P file transfer is assisted by reference to an Internet Protocol (IP) address. This address, expressed as four sets of numbers separated by decimal points, is unique to a particular computer during an online session. The IP address provides a unique location making it possible for data to be transferred between computers.

7. Third party software is available to identify the IP address of the P2P computer sending the file and to identify if parts of the file came from one or more IP addresses. Such software monitors and logs Internet and local network traffic.

8. On January 29, 2010, at approximately 1:58 p.m., Detective Gregory M. Godish from the New Jersey State Police conducted an online undercover session using P2P Limewire software to download child pornography from another P2P user. The IP address of the user sending the child pornography was captured using a software program. An analysis of the logs reflected the child pornography came from the IP address 173.72.55.206. Detective Godish, acting in an undercover capacity, subsequently initiated a download of one video from that IP address. The downloaded video was viewed and found to be child pornography, as defined in Title 18, United States Code, Section 2256(8). The video is further described as follows:

File Name: real underage fuck cum baby 2yo rape crys Babyshivid hussfan  
r@ygold pthc-2Yo Toddler Naked on Mans Lap (Pthc Pedo Babyfuck} 1yo 2yo  
3yo 4yo.mpeg

9. The video identified in paragraph 8 above is approximately 5 minutes and 47 seconds containing numerous clips that depict an adult male performing various sex acts with a prepubescent girl. The sex acts include the male performing vaginal intercourse, digital penetration, and ejaculation on the girl<sup>1</sup>.

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<sup>1</sup>United States Sentencing Guideline Section 2G2.2, Application Note 4(B)(ii) states that “[e]ach video, video-clip, movie, or similar visual depiction shall be considered to have 75 images. If the length of the visual depiction is substantially more than 5 minutes, an upward departure may be warranted.”

10. The undercover officer attempted to download additional files located in the share folder of IP address 173.72.55.206, however the undercover officer lost connection with IP address 173.72.55.206. Other videos of known child pornography were located and viewed by the undercover officer in the share folder. Those videos include the following:

a. File Name: Pedo - Pthc - (New) Kid Cam Fuck.mpeg. This video is approximately 3 minutes and 3 seconds in length and depicts an adult male performing digital penetration with a prepubescent girl. The girl also performs oral sex on the adult male.

b. File Name: !New!(Pthc)Niece Series2 (5y Full Penetration)(62m20s).mpg. This video is approximately 1 hour, 2 minutes and 20 seconds in length and depicts an adult male performing sex acts on a prepubescent girl. The video starts with the camera focused on the genital area of the girl. The adult male then removes the underwear from the girl and performs oral sex. The male then performs vaginal intercourse. The girl appears to be unconscious at the time of the incident.

11. The investigation revealed that IP address 173.72.55.206 was located in Bridgeton, New Jersey and assigned to the Internet Service Provider (ISP) Verizon. Subscriber information revealed that the customer assigned to that IP address on January 29, 2010 at 1:58 p.m. was CARL TIMM, with an address of 21 Dawson Drive, Upper Deerfield Township, New Jersey 08302. Further subscriber information included a daytime telephone number of (856) 577-4193 and an email address of carltimm2121@ yahoo.com.

12. Pursuant to a search warrant authorized by a New Jersey Superior Court Judge, law enforcement executed a search on or about February 25, 2010 of CARL TIMM's residence located at 21 Dawson Drive, Upper Deerfield Township, New Jersey 08302. Law enforcement seized the following:

- a. one eMachine computer tower; S/N PTNAROY0019190C69B9000;
- b. one Dell Dimension 2400; S/N HQ4B641
- c. Six VHS tapes
- d. Two VHC tapes
- e. Seven CDRs
- f. one Action-tec cable modem model MI424-WR; S/N CSJE9241412636

13. During an interview with CARL TIMM, he admitted to using Limewire as a means of receiving images of child pornography. TIMM further admitted that he sexually gratified himself when viewing the images of child pornography. TIMM admitted to having images of child pornography on his computer and further that he transferred some of the files into separate folders.

14. A review of one of the VHS tapes revealed CARL TIMM video taping himself engaged in sexual contact with a prepubescent female, later identified as his niece, M.B. who was under the age of 13 at the time it was produced. Specifically, the video shows TIMM on a bed with M.B. engaged in kissing and acts of fondling M.B. on the buttocks and breast area.

15. Further investigation revealed that TIMM engaged in criminal sexual contact with another prepubescent female, identified as T.B. who was 7 years old at the time. In pertinent part, T.B. stated that TIMM touched her clothed vaginal area on several occasions. TIMM

attempted to place his hands underneath T.B.'s clothing on her vaginal area as well. Based upon T.B.'s statements to an investigator, TIMM was charged on or about March 12, 2010 with Aggravated Criminal Sexual Contact and Endangering the Welfare of a Child in the State of New Jersey.

16. Further investigation identified another individual, J.O., a relative of TIMM who is now an adult female. J.O. stated that TIMM entered J.O.'s bedroom when J.O. was a 6 year old girl and made J.O. touch his erect penis. J.O. described several other instances during which TIMM touched her inappropriately or made sexual advances toward her. Based upon J.O.'s statements to an investigator, TIMM was charged on or about March 30, 2010 with Aggravated Criminal Sexual Contact and Endangering the Welfare of a Child in the State of New Jersey.