

ATTACHMENT A

On or about April 27, 2011, in Somerset County, in the District of New Jersey, and elsewhere, defendant DAVID W. TUYTJENS

did knowingly and wilfully possess material that contained at least three images of child pornography, as defined in 18 U.S.C. § 2256(8), which images had been shipped and transported using any means and facility of interstate and foreign commerce, had been shipped and transported in and affecting interstate and foreign commerce, and were produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, including by computer, after having been convicted of an offense under the laws of the State of New Jersey relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor.

in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2).

ATTACHMENT B

I, Angela Moore, am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have knowledge of the facts set forth below as a result of my participation in this investigation as well as from my review of reports from, and discussions with, other law enforcement personnel and parole officers. 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 or about April 27, 2011, officers from the New Jersey State Parole Board visited the residence of DAVID W. TUYTJENS in Bridgewater, New Jersey (the "Residence"). The parole officers conducted the visit because DAVID W. TUYTJENS is subject to Community Supervision for Life pursuant to N.J. Stat. Ann. § 2C:43-6 because of prior convictions in New Jersey Superior Court for aggravated sexual assault and sexual assault, as more specifically described in paragraph 6, below. This supervision includes a provision that, if DAVID W. TUYTJENS possesses a computer with access to the Internet, he is subject to periodic unannounced examinations of the computer by a parole officer.

2. DAVID W. TUYTJENS was present at the Residence on April 27, 2011, at the time of the parole officers' visit. During the visit a parole officer conducted a computer scan of DAVID W. TUYTJENS' laptop computer. That scan revealed multiple pictures and videos of what appeared to be child pornography as defined by Title 18, United States Code, Section 2256(8).

3. After receiving *Miranda* warnings and waiving his *Miranda* rights, DAVID W. TUYTJENS stated, in sum or in substance, that he used "peer-to-peer" file-sharing software to download pictures and videos of child pornography from the Internet. He stated that he downloaded and viewed images of child pornography starting in November 2010 and that he last viewed child pornography on April 27, 2011, the day of the parole officers' visit. DAVID W. TUYTJENS further told the parole officers that he copied child pornography from his laptop computer onto several DVDs. Officers subsequently recovered 9 DVDs containing what appeared to be child pornography from the Residence.

4. A subsequent review of the laptop computer and the 9 DVDs revealed numerous images, including pictures and videos, of what appear to be child pornography, as defined in Title 18, United States Code, Section 2256(8). Three of videos found on one of the DVDs (a Sony brand DVD) are described as follows:

a. A video with the computer file name "5yo Girl and Dad - Pthc - Russian Childporn" which is approximately 18 minutes in length and is a compilation of several spliced clips depicting child pornography. The clips depict a female child masturbating and posing in sexually provocative positions, the child being subjected to cunnilingus, and the child performing fellatio on an adult male. The video ends with the penile penetration of the child's vagina. The child is a Caucasian pre-pubescent female who appears to be 5 years of age. For most of the video, the child is wearing a red striped T-shirt that is visible above her genitals, and she has one long ponytail (dark brown) on each side of her head. At various times in the video, the child is observed wearing orange Mickey Mouse pants with white underwear, or light blue shorts with the same red striped T-shirt. The adult male is a heavysset Caucasian man with reddish-brown hair (balding on the top of his head). At all times in the video, he is observed wearing a light blue T-shirt and a metal wristwatch hanging loosely on his left wrist. At various times, he is observed wearing light blue pants or dark patterned pants that appear to have a camouflage appearance.

b. A video with the computer file name "4yo Old Best Cock Sucker In The World" which is approximately 2 minutes and thirty seconds in length and consists of a pre-pubescent female performing fellatio on an adult male while he stands in front of a stationary video camera in a bedroom with a computer desktop workstation in the background. The child is a Caucasian female who appears to be approximately 4 or 5 years of age; she is wearing a pink pajama shirt with 3 buttons and a bear design on it, white patterned pajama pants, and tiny stud earrings. She has grey eyes and long blond hair (held back off her face with a wide white plastic headband). The adult male is a Caucasian male with copious amounts of reddish-blond pubic hair, and the only item he is seen wearing is a plain metal wedding band on his left ring finger. The entire video consists of a close-up view of the man's genitals as he stands in front of the video camera, and the child performs fellatio on him while standing directly in front of him. At one point in the video, the child walks away from the adult, as he continues to masturbate in the foreground of the video. When she returns a few moments later, she again performs fellatio on the adult. The video ends as the child pushes away from the adult's penis and gags on the white fluid that is in her mouth and continues to spew from the penis.

c. A video with the computer file name "8yo Tara - more" which is approximately 5 minutes in length and displays several clips of a pre-pubescent female child performing fellatio on an adult male, as well as full penile penetration of her vagina while she crouches on top of the adult (who is laying on a bed). The child in this video is a Caucasian female who appears to be between the ages of 7 and 10. The child has long brown hair, and she is entirely naked throughout the video. The background of the video shows that this assault is taking place on a bed with lavender-colored sheets, with dark-blue satin pillows, and a plaid fabric in the background. The adult in the video is a Caucasian male whose abdominal and pubic hair is visible. He remains naked and laying on his back throughout the entire video. The beginning of the video shows the child performing fellatio on the adult, then it shows the child crouched down on top of the adult (facing his feet) with his penis fully inserted into her vagina. At one point she is heard to wince in pain and whisper "Ouch!" After the child again performs fellatio on the adult, the last segment of the video shows the child reposition herself on top of the adult, this time facing the camera (down at his feet). The child sits back down on the adult's erect penis, which penetrates her vagina. While the adult rapidly thrusts himself into the child, she is heard making several wincing sounds. She alternates between staring at the camera and having a contorted facial expression that appears to display pain.

5. Based upon my education, training, and experience and on my discussions with other law enforcement officers and parole officers, the images described in paragraphs 4a through 4c above, because of their location, their method of storage, and DAVID W. TUYTJENS' statements, were shipped and transported using a facility of interstate commerce and affecting interstate commerce, including by computer.

6. On or about April 18, 2002, DAVID W. TUYTJENS pleaded guilty in N.J. Superior Court, Hunterdon County, to (1) Aggravated Sexual Assault, N.J. Stat. Ann. § 2C:14-2a(1), a first-degree crime, for committing an act of sexual penetration with another person when the victim is less than 13 years old; and to (2) Sexual Assault, N.J. Stat. Ann. § 2C:14-2b, a second-degree crime, for committing an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim. On July 24, 2002, DAVID W. TUYTJENS was sentenced to 13 years in prison for the Aggravated Sexual Assault and to 6 years in prison for the Sexual Assault, with the sentences to run concurrently, and to Community Supervision for Life.