
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**
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JASON FACCIBENE :

I, Lucille M. Pezzullo, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about April 20, 2006, in Hudson County, in the District of New Jersey, and elsewhere, defendant JASON FACCIBENE did:

knowingly and wilfully possess material which contained at least three images of child pornography, as defined in 18 U.S.C. § 2256, 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 for United States Immigration and Customs Enforcement, and that this complaint is based on the following facts:

SEE ATTACHMENT A

continued on the attached page and made a part hereof.

Sworn to before me and subscribed in my presence,
October 17, 2006 at Newark, New Jersey

HONORABLE MADELINE COX ARLEO
UNITED STATES MAGISTRATE JUDGE

Lucille M. Pezzullo, Special Agent
Department of Homeland Security
Immigration and Customs Enforcement

Signature of Judicial Officer

ATTACHMENT A

I, Lucille M. Pezzullo, a Special Agent with United States Department of Homeland Security, Immigration and Customs Enforcement (“ICE”), 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. On or about April 20, 2006, law enforcement officers conducted a search of an Apple PowerBook Computer located at 450 Fifth Street, Apartment 3C, Hoboken, New Jersey, the residence of defendant Jason Faccibene (hereinafter “defendant FACCIBENE”).

2. On or about April 20, 2006, law enforcement officers reviewed the contents of defendant FACCIBENE’s computer hard drive which had been found in defendant FACCIBENE’s residence. Among the files on the hard drive, which was manufactured in Thailand, were more than one thousand (1,000) images of what appear to be child pornography, as defined by Title 18, United States Code, Section 2256(8). Three of the images, which were found on defendant FACCIBENE’s computer hard drive, are described as follows:

- a. **Image Number One:** This image depicts a nude, prepubescent female sitting semi-upright in a chair with a dark-colored seat and a beige woven back. The prepubescent female is wearing only beige shoes and a beige headband. Her legs are spread apart and raised over her head, exposing her genital area. The prepubescent female is holding her feet together. The words “LS-Magazine” appear in the upper left hand corner.
- b. **Image Number Two:** This image depicts a nude, prepubescent female sitting on an orange comforter in front of several stuffed animals. The prepubescent female is sitting upright with her legs parted, exposing her genital area. Her legs are bent at the knees, and she is sitting on her left foot with her right foot extended behind her back. The prepubescent female is holding a yellow stuffed bear above her head. The words “LS-Magazine” appear in the upper left hand corner.
- c. **Image Number Three:** This image depicts a nude, prepubescent female lying on a blue comforter adorned with yellow images of the sun, moon and stars. A beige headboard is visible behind her head. The prepubescent female is lying on her back with her legs parted exposing her genital area. Her left leg is bent and is resting on the bed as her right leg extends up and across her torso. Her head is supported by pillows matching the comforter, and her arms are placed at her sides. The bottom half of a window with white blinds is visible above the headboard and a red flowerpot is visible on the windowsill.

3. Based upon my training and experience, and to the best of my knowledge, the images described in paragraphs 2a through 2c above, were downloaded from the Internet, based upon, among other things, defendant FACCIBENE’s own statements.

4. On or about April 20, 2006, law enforcement agents interviewed defendant FACCIBENE who stated, in substance and in part, that a) he had purchased and downloaded images and videos of child pornography from the Internet to the hard drive of his computer; b) that he believed that the images of child pornography he had viewed depicted actual children; and c) that he knew his possession of child pornography was wrong.