
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :
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 :
 :
v. :
 :
GARY HALE :
 :

CRIMINAL COMPLAINT

Mag. No. 06-8208 (MCA)

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 August 30, 2006, in Atlantic County, in the District of New Jersey, and elsewhere, defendant GARY HALE 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.

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

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

HONORABLE MADELINE COX ARLEO
UNITED STATES MAGISTRATE JUDGE

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 August 30, 2006, law enforcement officers conducted a search of 333 San Francisco Avenue, Egg Harbor City, New Jersey, the residence of defendant Gary Hale (hereinafter “defendant HALE”).

2. On or about August 30, 2006, law enforcement officers reviewed the contents of defendant HALE’s computer hard drive which had been found in defendant HALE’s residence. Among the files on the hard drive, which was manufactured in Singapore, were sixty-five (65) images and fourteen (14) videos of what appear to be child pornography, as defined by Title 18, United States Code, Section 2256(8). Three of the videos, which were found on defendant HALE’s computer hard drive, are described as follows:

- a. **Video Number One:** This video, which is approximately forty minutes in length, depicts two prepubescent males lying together on a twin bed covered in a white sheet engaging in sexual intercourse. A foreign flag is visible behind the bed, and the wall to the right side of the bed is draped with a paisley rug. A recoding date of “31.7.1997” is visible on the video.
- b. **Video Number Two:** This video, which is approximately sixteen minutes in length, depicts two prepubescent males engaged in sexual intercourse. The video begins with a prepubescent male alone in a room with floral wallpaper and a burgundy colored couch. The male removes his shorts, sits on the couch, and begins fondling himself. A second prepubescent male enters the room wearing blue bibbed overalls. The second prepubescent male removes his clothing and the first prepubescent male begins fondling him and performing oral sex on the second male. At approximately nine minutes into the video the prepubescent males begin engaging in sexual intercourse on the burgundy colored couch, which continues through the remainder of the video.
- c. **Image Number Three:** This video, which is approximately 11 minutes in length, depicts a prepubescent male engaged in masturbation. The video begins with a prepubescent male, fully dressed, standing against a black back-drop. He is wearing a light blue, long sleeved, button down shirt along with blue jeans and a brown colored belt. The prepubescent male then removes his shirt and begins fondling his genitals through his jeans. The prepubescent male then removes his jeans and begins fondling himself and masturbating.

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

4. On or about August 30, 2006, law enforcement agents interviewed defendant HALE 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; and b) that he believed that the images of child pornography he had viewed depicted actual children.