
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

MARK ANDREW LUTZ

CRIMINAL COMPLAINT

Mag. No. 07-3213

RECEIVED

DEC 21 2007

AT 8:30 M
WILLIAM T. WALSH, CLERK

I, Bradley J. Benwell, being duly sworn, state the following is true and correct to the best of my knowledge and belief. At least as early as on or about November 20, 2007, in Morris County, in the District of New Jersey, and elsewhere, defendant MARK ANDREW LUTZ did:

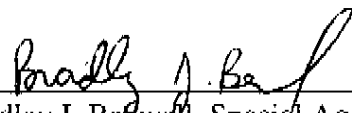
knowingly and wilfully possess material which contained at least three images of child pornography, as defined in 18 U.S.C. § 2256(8), which were shipped and transported in interstate and foreign commerce, including by computer, and were produced using materials that were shipped and transported in interstate 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.



Bradley J. Benwell, Special Agent
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,
December 21, 2007 at Newark, New Jersey

HONORABLE PATTY SHWARTZ
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

I, Bradley J. Benwell, a Special Agent with the United States Immigration and Customs Enforcement ("ICE"), having conducted an investigation and having discussed this matter with other law enforcement officers who have participated in this investigation, have knowledge of the following facts:

1. On or about November 20, 2007, agents from ICE executed a search warrant on 7 Franklin Avenue, Pompton Plains, New Jersey, the residence of MARK ANDREW LUTZ (hereinafter "the Residence"). Among the items seized at the Residence pursuant to the aforementioned search warrant was a desktop computer (the "Desktop").

2. Beginning on or about November 20, 2007, agents from ICE reviewed the contents of the Desktop's hard drive. Among the files on the Desktop's hard drive were numerous images of what appear to be child pornography, as defined by Title 18, United States Code, Section 2256(8). Three of the images that were found on the Desktop are described as follows:

- a. Image Number 1: This image depicts a prepubescent female engaged in sexual intercourse with an adult male. The image is photographed from a frontal viewpoint. The prepubescent female is nude except for pink socks that are visible on the area of her shins just above her ankles. She is visible from the top of her head to her vaginal area and her legs are spread to either side. She has black hair that is braided in a "pigtail" style on both sides of her head. Her arms are bent at the elbow with her hands pointing upward. She is squatting over the adult male, with her feet on either side of him. The genital and waist areas of the male are visible. The male is lying on his back with his legs facing toward the front of the image and has both hands resting on his waist. He is wearing a dark colored shirt. The adult male's erect penis is inserted in the prepubescent female's vagina.
- b. Image Number 2: This black and white image depicts a prepubescent male engaged in oral sex with an adult male. The image is photographed from a side viewpoint. The prepubescent male appears to be fully nude. He is visible from the top of his head to mid-thigh. His legs are bent underneath him and he is sitting on his ankles. His right hand is placed on the light colored floor. His left hand is holding the erect penis of the adult male. The tip of the erect penis of the adult male is in the mouth of the prepubescent male. The adult male is standing and visible from his waist to his ankles. He is wearing a light colored shirt. His left hand, on which he is wearing a wristwatch, is also visible resting behind his own left thigh.
- c. Image Number 3: This image depicts a prepubescent female posed in a sexually suggestive manner. The prepubescent female is completely nude and visible from the top of her head to her feet. The image is photographed from a frontal

viewpoint. The prepubescent girl is squatting over a light colored wastebasket and urinating in it. The prepubescent girl has blond hair and her head is tilted downward. Her arms are at her sides with her hands resting on her thighs. Her thighs are spread at 45-degree angles and her knees are bent. It appears that the floor is covered with light colored blankets. Two lamps are visible behind and to the side of the prepubescent girl's left arm.

3. Based upon my education, training, and experience, my discussions with other law enforcement officers, the images described in paragraphs 2a through 2c above, based upon their location and method of storage on the Desktop, were produced using materials that were shipped and transported in interstate and foreign commerce, including by computer.