
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**
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ALBERT MONTEMAYOR :

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 July 18, 2006, in Gloucester County, in the District of New Jersey, and elsewhere, defendant ALBERT MONTEMAYOR 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

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

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 July 18, 2006, law enforcement officers conducted a search of 134 1st Avenue, Pitman, New Jersey, the residence of defendant Albert Montemayor (hereinafter “defendant MONTEMAYOR”).

2. On or about July 18, 2006, law enforcement officers reviewed the contents of defendant MONTEMAYOR’s computer hard drive which had been found in defendant MONTEMAYOR’s residence. Among the files on the hard drive, which was manufactured in Malaysia, were more than one thousand (1,000) images and more than one hundred and forty (140) videos 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 MONTEMAYOR’s computer hard drive, are described as follows:

- a. **Image Number One:** This image depicts a prepubescent female performing fellatio on an adult male. The prepubescent female is seated on a white surface with one leg stretched out straight in front, and the other bent at the knee with her foot resting on the white surface. The prepubescent female is leaning back on a multi-colored pillow, she is fully nude, and is visible from her head to her ankles. Both hands of the prepubescent female are on the erect penis of the adult male. The adult male is fully nude and is visible from his lower abdomen to his upper thighs. The right hand of the adult male is resting on his right buttock.
- b. **Image Number Two:** This image depicts a prepubescent female who is fully nude and lying on her back on a tan-colored surface. The female is visible from her head to her thighs. Her left arm is bent at the elbow at a ninety degree angle and resting on the surface with her hand near her head. Her right arm is bent at the elbow, and resting on the bed, with her forearm and hand pointed toward the ceiling. The female has the words “cut me” and “hurt me” written on her horizontally in a red substance, beginning at her breast area and continuing to her genital area.
- c. **Image Number Three:** This image depicts a prepubescent female performing fellatio on an adult male. The prepubescent female is sitting on a white surface with her legs are stretched out in front of her and she is fully nude. She is reclining on a multi-colored pillow and is visible from her head to her calves. The female’s left hand is place on the erect penis of the adult male. The adult male is visible from his lower abdomen to his upper thighs and he is fully nude. His left hand is placed on the head of the prepubescent female.

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 MONTEMAYOR's own statements.

4. On or about July 19, 2006, law enforcement agents interviewed defendant MONTEMAYOR 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 purchased videos of child pornography through the mail; c) that he believed that the images of child pornography he had viewed depicted actual children; and d) that he knew his conduct was illegal.