

ATTACHMENT A

COUNT 1
(Possession of Child Pornography)

From in or about August 2019 through in or about September 2021, in Bergen County, in the District of New Jersey, and elsewhere, the defendant

ANDROSKY A. LUGO

did knowingly possess material that contained at least three images of child pornography, as defined in Title 18, United States Code, Section 2256(8), which images had been mailed, shipped, and transported using any means or facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that were produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2.

COUNT 2
(Transportation of Child Pornography)

In or about July 2020, in Bergen County, in the District of New Jersey, and elsewhere, the defendant

ANDROSKY A. LUGO

did knowingly transport any child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), using any means or facility of interstate or foreign commerce and in or affecting interstate or foreign commerce, by any means, including by computer.

In violation of Title 18, United States Code, Section 2252A(a)(1).

ATTACHMENT B

I, Isidro Cruz, a Special Agent with the United States Department of Homeland Security – Homeland Security Investigations, 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. Because this Complaint is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. Rather, I have set forth only the facts that I believe are necessary to establish probable cause. Unless specifically indicated, all dates described in this affidavit are approximate and all conversations and statements described in this affidavit are related in substance and in part.

Background

1. At all times relevant to this Complaint, defendant Androsky A. Lugo (“LUGO”) was a resident of Eastchester, New York and was employed as an attorney for a company headquartered in Fort Lee, New Jersey (“Company-1”).

Lugo’s Possession of Child Pornography

2. On a date between in or around August 2019 and in or around February 2020, LUGO, at his office in Fort Lee, New Jersey, handed multiple electronic devices (collectively, the “Devices”) to another Company-1 employee (“Employee-1”) and instructed Employee-1 to store the devices for him. The Devices consisted of three cellular telephones and one tablet computer (the “Tablet”). Employee-1 placed the Devices in a manilla envelope and stored them on a shelf near Employee-1’s desk.

3. In or about September 2021, LUGO was charged in New York state with promoting an obscene sexual performance by a child, possessing an obscene performance by a child, and unlawful surveillance. After learning of these allegations, Employee-1 told others at Company-1 about the Devices that Lugo had asked her to store.

4. Company-1 subsequently discovered that the Tablet contained items of child pornography, including images of fully or partially nude minor female children, most of whom appeared to be approximately 8 to 10 years old. One or more of the images depicted a minor female child’s fully-exposed vaginal area. Soon after, Company-1 contacted law enforcement.

5. In or about October 2021, law enforcement took custody of the Devices and lawfully searched them. Law enforcement located a significant amount of images and videos constituting child pornography on the Devices. Descriptions of some of the videos are as follows:

- a. **\$R9HGJUT.avi** is a video, approximately 21 seconds in length, and depicts an adult woman performing oral sex on an infant female child;
- b. **\$R169C62.avi** is a video, approximately 6 seconds in length, that depicts a prepubescent child performing oral sex on an adult male; and
- c. **\$R5M5XIP.wmv** is a video, approximately 1 minute and 21 seconds in length, that depicts an adult male anally penetrating a prepubescent female child with his penis.

Lugo's Transportation of Child Pornography

6. The investigation also revealed that, on multiple occasions, LUGO transported child pornography on a different cell phone (the "Cell Phone") from New York to New Jersey. Specifically, the Cell Phone contained a video, entitled "**IMG_1100**," that depicted multiple images of child pornography and was apparently captured by videoing content displayed on a computer screen. Descriptions of those images are as follows:

- a. **1169.jpg** is an image of a fully nude prepubescent female child, who appears to be approximately 3 to 5 years old;
- b. **unknown_68.jpeg** is an image of a prepubescent female child, who appears to be approximately 6 to 8 years old, spreading her labia; and
- c. **1205.jpg** is an image of a young female child, who appears to be approximately 8 to 10 years old, bent over with a gratuitous focus on her vagina and buttocks.

7. According to metadata,¹ **IMG_1100** was placed on the Cell Phone on or about January 8, 2020.

8. A forensic examination of the Cell Phone also provided location information showing that it traveled from New York to New Jersey on multiple dates, including on or about July 6, 2020 and July 7, 2020—dates when **IMG_1100** was on the Cell Phone. Records from Company-1, confirmed LUGO'S presence in New Jersey on these dates.

9. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the videos and images described above were transported and transmitted in interstate

¹ Metadata provides information about computer files, such as a file's author, creation date, modification date, and file size.

commerce because they were transported across state lines and stored on devices manufactured, produced, and shipped in interstate commerce.