
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Mag. No. 13-6736 (JAD)
 :
 v. : Hon. Joseph A. Dickson
 :
 JOSHUA BABILONIA : CRIMINAL COMPLAINT

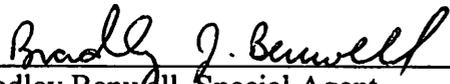
I, Bradley Benwell, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with Homeland Security Investigations, U.S. Immigration and Customs Enforcement, and that this Complaint is based on the following facts:

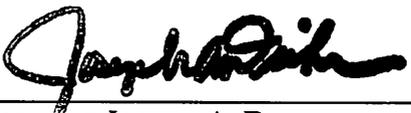
SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Bradley Benwell, Special Agent
Homeland Security Investigations,
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,
on September 25, 2013, at Newark, New Jersey



HONORABLE JOSEPH A. DICKSON
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

On or about May 27, 2012, in Essex County, in the District of New Jersey, and elsewhere, defendant

JOSHUA BABILONIA

did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that had been mailed, and using any means and facility of interstate and foreign commerce, 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)(2)(A) and 2252A(b)(1) and Title 18, United States Code, Section 2.

ATTACHMENT B

I, Bradley Benwell, am a Special Agent with Homeland Security Investigations (“HSI”), U.S. Immigration and Customs Enforcement; I have knowledge of the following facts based upon both my investigation and discussions with other law enforcement personnel and others. Because this Affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known to the government concerning this matter. Where statements of others are set forth herein, these statements are related in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

The Investigation

1. On or about May 27, 2012, an HSI Special Agent accessed a publicly available peer-to-peer (“P2P”) network over the Internet and observed an individual using a program generated name and a certain Internet Protocol (“IP”) address that was logged into the network. The investigation revealed that the username and IP address belonged to an individual, later identified as defendant BABILONIA. According to the P2P network, defendant BABILONIA was sharing more than 144 files with other users of the network.

2. Law enforcement agents browsed defendant BABILONIA’s shared folders and observed files depicting images of child pornography. Between 6:42 AM and 7:34 AM EST on May 27, 2012, law enforcement agents downloaded from defendant BABILONIA’s shared folders approximately five video files, all of which depicted child pornography. Three of the video files downloaded by law enforcement agents from defendant BABILONIA had filenames and descriptions as follows:

IMAGE	FILENAME	DESCRIPTION
1	(pthc) tara8yr(3)	This video is approximately 1:27 in length and depicts an adult male engaged in sexual intercourse with a prepubescent female. The first 44 seconds of the video are a close-up of the adult male penetrating the anus of the prepubescent female with his penis. The remainder of the video consists of the adult male and prepubescent female engaged in sexual intercourse. Both are naked. The adult male is visible from his neck to his knees and he is in a kneeling position. The prepubescent female is visible from her head to her legs and is supporting her herself on her hands and knees.
2	bibcam-kdu- pjk-pthc- lbv(17)	This video is nine seconds in length and depicts an adult male engaged in sexual intercourse with a prepubescent male. It is shot from a side viewpoint. Both are naked and visible from their heads to their knees. The adult male is standing behind the prepubescent male and engaged in sodomy.

IMAGE	FILENAME	DESCRIPTION
3	13+11 boy pthc(hussyfan)	This video is approximately 8:17 in length and depicts a prepubescent male engaging in sexual acts. The prepubescent male is wearing an orange shirt and is seated in front of a computer webcam. At approximately 1:30 of the video, the male stands and pulls down his pants and exposes an erect penis. He masturbates intermittently for the remainder of the video while pausing to sit in front of the computer and type.

3. On September 13, 2012, law enforcement officers executed a search warrant at defendant BABILONIA's residence in Fair Lawn, New Jersey (the "residence"). At the residence, law enforcement officers discovered computer equipment belonging to defendant BABILONIA, including a laptop computer with the P2P program installed on it. Among the files law enforcement found on the hard drive belonging to defendant BABILONIA were a vast number of images of child pornography, as defined by Title 18, United States Code, Section 2256(8), including material that involved prepubescent minors as well as material that portrays sadistic or masochistic conduct. The files described above, which were downloaded from defendant BABILONIA on May 27, 2012, were also contained on the hard drive of defendant BABILONIA's laptop computer.

4. During and after the search of the residence, and after being advised of his Miranda rights, defendant BABILONIA admitted to law enforcement officers, among other things, in substance and in part, that he uses the P2P program to download child pornography. Defendant BABILONIA also admitted that he was the sole user of the P2P network account. He also admitted that: (1) he believes the videos of child pornography he downloaded depict real children; (2) it is illegal to possess or distribute child pornography; and (3) the electronic devices on which the above images and videos were found belong to him.

5. Law enforcement conducted a preliminary forensic review of BABILONIA's laptop computer that was seized on September 13, 2012. Results of the forensic review determined that BABILONIA possessed approximately 200 videos containing children engaged in child pornography, which totaled approximately 44 hours in length.

6. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the videos described in paragraph 2 above traveled in interstate commerce and were produced using materials that were mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, that is, the images were downloaded from the Internet, based upon, among other things, their presence on defendant BABILONIA's laptop computer and law enforcement's knowledge that defendant BABILONIA had shared these images on an Internet-based P2P network.