

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 12-
 :
 v. : 18 U.S.C. § 2251(d)(1)(A),
 : 18 U.S.C. § 2252A(a)(2)(A),
 EDWARD M. DE SEAR : 18 U.S.C. § 2252A(a)(5)(B),
 : 18 U.S.C. § 2

I N D I C T M E N T

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNTS 1 THROUGH 3
(Advertising of Child Pornography)

INTRODUCTION

1. At all times relevant to the Indictment, the defendant,
EDWARD M. DE SEAR, was a resident of Saddle River, New Jersey.

The Peer-to-Peer File Sharing Program

2. As used in this Indictment, the term "Peer-to-Peer File
Sharing Program" (hereinafter, the "P2P Program") refers to a
peer-to-peer file-sharing program that allows users to share
computer files with other users in their network.

3. The P2P Program's software enables a user to create his
own private network, which he controls. The user can invite
"friends" or contacts to join his network, and remove friends
from his network at any time. A user can also join the networks
of other users of the P2P Program, but only with the permission
of the user who created the network.

4. A user of the P2P Program selects specific folder(s) on his computer that he wishes to share with, and thereby distribute to, friends in his P2P network (hereinafter, the "shared folders"). These shared folders may contain video, audio, or image files. The user's friends can access any of the files in the user's shared folders.

5. Users of the P2P Program can scroll through the files located in their friends' shared folders, and choose which particular files to download. The files may be available in thumbnail format, which provides a smaller-sized preview of the actual image, to anyone considering whether to download the files.

6. The P2P Program also features a chat function that allows users to communicate with each other via computer.

Defendant's Use of the P2P Program to
Advertise, Distribute, and Download Child Pornography

7. The defendant, EDWARD M. DE SEAR, used the P2P Program to seek out and "friend" users who, like himself, had an interest in child pornography. In doing so, defendant DE SEAR used a picture of a young boy as his avatar¹, and sought out fellow P2P users with usernames that contained terms such as "boy," "child," and/or "little." Defendant DE SEAR then invited those individuals to join his P2P network.

¹An avatar is a graphic selected by a user to be associated with his account.

8. When interviewed by the Federal Bureau of Investigation ("FBI"), the defendant, EDWARD M. DE SEAR, stated, in substance and in part, that, when searching for child pornography, he looked for images and videos of boys with what he described as "atrocious" file names, which he would then download using the P2P Program.

9. The defendant, EDWARD M. DE SEAR, downloaded and maintained in his P2P folders for sharing, photos and videos of prepubescent boys being sexually exploited. Among defendant DE SEAR's collection in his P2P shared folders were files with file names such as "Boy & Dad anal(2).wmv" and "10yo_fucked_by_daddy.mpg."

10. With respect to his use of the P2P Program, the defendant, EDWARD M. DE SEAR, told the FBI, in substance and in part, that he sometimes deleted the "friends" on his P2P network, only to later re-invite "friends" to join his P2P network and continue to share and receive child pornography with them using the P2P Program. Defendant DE SEAR also stated, in substance and in part, that he frequently deleted his child pornography, but later re-acquired the same child pornography files. In an on-line chat with a friend in his P2P network, defendant DE SEAR called these periodic purges, where he would delete his illegal files out of concern that they would be detected, "paranoid wipes."

11. The defendant, EDWARD M. DE SEAR, further informed the

FBI, in substance and in part, that he regularly viewed and shared child pornography from the kitchen of his home, sometimes leaving his computer running overnight so that the child pornography files that he had selected could download while he slept. Defendant DE SEAR also admitted, in substance and in part, that in or about 2010, he used the wireless "guest" network of his then-employer (the "Employer's Guest Network"), to log onto the P2P Program, doing so approximately once per week.

12. As described more fully below, on several occasions in or about 2010 and in or about 2011, an undercover law enforcement agent logged onto the P2P Program and downloaded child pornography files directly from the defendant, EDWARD M. DE SEAR, which files defendant DE SEAR had placed in his P2P folders for the purpose of sharing with other users.

May 2010 Advertising and Distribution of Child Pornography

13. On or about May 28, 2010, the defendant, EDWARD M. DE SEAR, unbeknownst to his then-employer, logged onto the P2P Program using the Employer's Guest Network. While defendant DE SEAR was logged onto the P2P Program, an undercover agent ("UC") located in New Jersey also logged onto the P2P Program using the consensually-obtained account of a member of defendant DE SEAR's P2P network. The UC observed that defendant DE SEAR was sharing approximately 173 files.

14. The UC browsed through the shared folders of the defendant, EDWARD M. DE SEAR, and previewed, in thumbnail view,

the files that defendant DE SEAR was distributing, observing that many of these files contained images and videos of children being sexually exploited. The UC then downloaded multiple image and video files from defendant DE SEAR's shared folders.

15. Three of the files that the UC downloaded from the defendant, EDWARD M. DE SEAR, had file names and descriptions as follows:

File Name	Description
CIMG6790	This image depicts a naked prepubescent boy visible from his stomach to his knees. The boy's knees are pulled back to the side of his chest exposing his genitals and anus. An adult male's erect penis is over the genitals of the boy. The adult male's right hand is on his erect penis. A small amount of ejaculate is in the tip of the adult male's penis. A large amount of ejaculate is on the boy's genitals and anus.
100_1318	This image depicts a naked prepubescent boy visible in the genital area only. An adult male's right index finger and thumb are on the boy's penis.
100_1299	This image depicts a naked prepubescent boy lying on his stomach. The boy is visible from the back of his knees to his buttocks. His genitals and anus are exposed to the viewer of the image. An adult is partially visible in the image. The adult's left thumb and index finger are spreading apart the boy's buttocks revealing the boy's anus to the viewer of the image.

September 2010 Advertising and Distribution of Child Pornography

16. On or about September 16, 2010, the defendant, EDWARD M. DE SEAR, logged onto the P2P Program from his residence in Saddle River, New Jersey. A UC also was logged onto the P2P Program at that time, using the consensually-obtained account of another member of defendant DE SEAR's P2P network.

17. The UC accessed the shared folders that the defendant, EDWARD M. DE SEAR, was making available to his P2P network and observed that defendant DE SEAR was sharing more than 400 files at the time. The UC further observed that defendant DE SEAR had designated the following names for his shared folders:

"BoysCute," "incoming," "Vid2," and "Vids."

18. The UC also observed that many of the files that the defendant, EDWARD M. DE SEAR, was sharing with his friends on the P2P network had file names indicative of the sexual exploitation of pre-pubescent boys. For example, defendant DE SEAR was sharing files named "Boy & Dad anal(2).wmv," "[boy+man] jonas7yo_fucked.wmv," and "10yo_fucked_by_daddy.mpg."

19. Using thumbnail view, the UC previewed the images that the defendant, EDWARD M. DE SEAR, was sharing via the P2P network, observing that many of these images depicted young children. The UC then downloaded multiple video files of children being sexually exploited directly from defendant DE SEAR's shared folders.

20. Three of the files downloaded by the UC from the

defendant, EDWARD M. DE SEAR, had file names and descriptions as follows:

File Name	Description
llyoBoy&HisDog	This video depicts a naked prepubescent boy with brown hair. He is holding his penis in his left hand and urinating into a bucket, which he is holding in his right hand. The words "This is DUMPEG demo" appear at the top of the video. The prepubescent boy is later shown lying on his back and up on his shoulders with his legs spread in the air. A dog with black fur then licks the boy's anus and buttocks. The video is approximately 31 seconds.
baby rape	This is a compilation video depicting various scenes. The first part of the video depicts an adult male anally penetrating an infant girl. The infant is crying during the penetration. The second section of the video depicts an adult male attempting to penetrate a toddler. The adult male ejaculates on the buttocks of the toddler. The toddler is crying during the attempted penetration. The next part of the video depicts an adult male and an infant girl. The infant is on her back with her vagina exposed to the camera. The adult male is straddling her and rubbing his penis on her vagina. The fourth part of the video depicts an adult male standing in front of a toddler girl who is kneeling in front of the male. The adult male puts his hands on the toddler's head and moves his hips back and forth while inserting his penis into the mouth of the toddler. The last part of the video depicts an adult female tied down on a table and a toddler standing between the legs of the female. The toddler has tape over his/her mouth and is inserting his/her hand in the vagina of the adult female. There is an adult male near the head of the adult female. The adult male inserts his penis into the mouth of the adult female. The adult male grabs the toddler's arm and causes the toddler to insert his/her hand farther into the vagina of the adult female. The video is approximately 2 minutes and 21 seconds.
Pedo Man_Fuck_little_boy	This video depicts a prepubescent naked boy straddling an adult male who is lying down on his back. The adult male is grabbing the base of his erect penis with his right hand and inserting his penis into the anus of the prepubescent boy. The prepubescent boy places both his hands on the thighs of the adult male. The prepubescent boy moves up and down while the adult male's penis is inserted into his anus. The video is approximately 10 seconds.

December 2010 Advertising and Distribution of Child Pornography

21. On or about December 6, 2010, the defendant, EDWARD M. DE SEAR, logged onto the P2P Program from his residence in Saddle River, New Jersey. A UC also was logged onto the P2P Program at that time, using the consensually-obtained account of another member of defendant DE SEAR's P2P network.

22. The UC browsed through the shared folders of the defendant, EDWARD M. DE SEAR, and observed that defendant DE SEAR was sharing more than 800 files with members of his P2P network.

23. Using thumbnail view, the UC previewed the content of the files that the defendant, EDWARD M. DE SEAR, was sharing, and observed that many of these files depicted images and videos of children being sexually exploited. The UC then downloaded multiple images of children being sexually exploited from defendant DE SEAR's shared folders.

24. Three of the files that the UC downloaded from the defendant, EDWARD M. DE SEAR, had file names and descriptions as follows:

File Name	Description
19	This image depicts a naked prepubescent boy viewable from his stomach to his thighs. The boy is lying down. His genitals are exposed to the viewer of the image. An adult male is viewable from his stomach to his genitals. He is standing or kneeling in front of the prepubescent boy. The adult male's penis is inserted into the anus of the prepubescent boy.

315090670205_0_ALB	This image depicts a clothed adult male wearing jeans and a brown shirt standing in front of a prepubescent boy and a toddler. The prepubescent boy has brown hair and is wearing a blue top. The toddler is dressed in white. The adult male's erect penis is protruding from his jeans. The toddler's right hand is touching the tip of the adult male's erect penis. The prepubescent boy's left hand is on the shaft of the adult male's penis. The prepubescent boy's face is close to the adult male's penis. The adult male's penis is touching the mouth of the prepubescent boy.
168(11)	This image depicts a naked prepubescent boy lying down. The image is from the perspective of the prepubescent boy's knees towards his genitals. The buttocks of an adult male are on top of the genital area of the prepubescent boy. The prepubescent boy's bent penis is in or near the anus of the adult male.

February 2011 Advertising and Distribution of Child Pornography

25. On or about February 9, 2011, the defendant, EDWARD M. DE SEAR, was logged onto the P2P Program from his home in Saddle River, New Jersey. A UC also was logged onto the P2P Program at that time, using the consensually-obtained account of another member of defendant DE SEAR's P2P network.

26. The UC browsed the shared folders of the defendant, EDWARD M. DE SEAR, and observed that defendant DE SEAR was sharing more than 100 files with members of his P2P network, and that new files were constantly appearing in defendant DE SEAR's "incoming" shared folder.

27. Using thumbnail view, the UC previewed the image files that the defendant, EDWARD M. DE SEAR, was sharing and observed that many of these images depicted photos and videos of children being sexually exploited. The UC downloaded multiple image and

video files directly from defendant DE SEAR's shared folders.

28. Three of the files downloaded by the UC from the defendant, EDWARD M. DE SEAR, had file names and descriptions as follows:

File Name	Description
20101130132022-bvqaupcwtxwvcivqx	This image depicts a naked prepubescent boy viewable from his stomach to his thighs. The boy is lying down and his genitals are exposed to the viewer of the image. The right hand of an adult male is in the image, palm up, in front of the boy's genitals. The middle finger of the adult male is inserted into the anus of the prepubescent boy.
20110208150305-fiadludyqduovln dh-image740	This image depicts a naked prepubescent boy with red hair lying on his back on a bed. A naked adult male is kneeling on the same bed. The adult male's face is covered by a black oval. The adult male's hands are under the hips of the prepubescent boy. The prepubescent boy's legs and hips are off the bed and being held by the adult male. The boy's legs are wrapped around the sides of the adult male. It appears that the adult male's penis is penetrating the anus of the prepubescent boy. The prepubescent boy's genitals are exposed to the viewer of the image.
!!! NEW 2007 priv !!!! jentied	This video depicts a prepubescent girl with brown hair lying down. She is only wearing black, thigh-high socks and a black collar. Her legs are spread apart with the bottoms of her feet touching each other. Her legs are bound with yellow rope around her thighs and ankles. Her hands are tied together at her wrists. An adult male is near the head of the prepubescent girl. The video is taken from the point of view of the adult male. The adult male rubs the vagina of the girl with his right middle finger. The prepubescent girl is holding the adult male's erect penis in her right hand while the adult male inserts his penis into the girl's mouth. The video is approximately 40 seconds.

29. The UC also downloaded two text files directly from the

defendant, EDWARD M. DE SEAR, named "B-M Tot Rape.txt" and "10yo rape.rtf," respectively.

February 2011 Chat Communications

30. The defendant, EDWARD M. DE SEAR, also used the P2P Program's chat function to communicate with members of his P2P network. In a conversation with someone named "boycuddle2" on or about February 26, 2011, defendant DE SEAR observed that "red neck parents are more careless with their kids," that he "love[d] child talent shows," and that some parents "will do anything to make their kids famous[.]" Defendant DE SEAR further told "boycuddle2" that "best are guys who have kids of their own to share[,]" stating that "there is a network of those guys" but that it is "hard to get into that club without a kid[.]"

31. After this exchange, still on or about February 26, 2011, "boycuddle2" sent the defendant, EDWARD M. DE SEAR, a chat message asking: "do you have more pics and vids than what you post here?" Defendant DE SEAR responded, "i will[.]" Defendant DE SEAR also noted to "boycuddle2," "i do paranoid wipes too often" but that "there is little i haven't had[,]" and that "i do get some unique stuff[.]"

July 2011 Chat Communications

32. On or about July 20, 2011, the defendant, EDWARD M. DE SEAR, used the P2P Program's chat function to communicate with someone named "littleoness." During this conversation, "littleoness" asked defendant DE SEAR, "what r u

into?" and "do u have vids?" Defendant DE SEAR responded to "littleoness," stating, "vids are on a disk in garage,,,later[,]"" and describing his preferences as "little boys all sorts of action . . . love pain,,,ouch is good[.]"

**ADVERTISEMENTS AND NOTICES BY DEFENDANT
TO DISTRIBUTE AND/OR DISPLAY CHILD PORNOGRAPHY**

33. As described herein, the defendant, EDWARD M. DE SEAR, used both the file-sharing and chat functions of the P2P Program to provide notices and advertisements offering to distribute and/or display child pornography images and/or videos to members of his P2P network, including but not limited to, "friends" with P2P usernames "boycuddle2" and "littleoness." Defendant DE SEAR noticed and advertised offers to distribute and/or display child pornography through various means, including but not limited to, the following: naming one of his shared folders on the P2P Program, "BoysCute"; sharing files with file names such as "Boy & Dad anal(2).wmv," "[boy+man] jonas7yo_fucked.wmv," and "10yo_fucked_by_daddy.mpg"; allowing members of his P2P network to preview his child pornography files in thumbnail view so that they could select which files to download; using as his avatar a picture of a young boy; and making specific offers to distribute and/or display child pornography to his P2P "friends," "boycuddle2" and "littleoness."

34. On or about the dates specified below, in the District of New Jersey, and elsewhere, the defendant,

EDWARD M. DE SEAR,

did knowingly make, print, and publish, and cause to be made, printed, and published, the notices and advertisements specified below, seeking and offering to receive, exchange, buy, produce, display, distribute, and reproduce visual depictions, the production of which involved the use of minors engaging in sexually explicit conduct and which visual depictions were of such conduct, with knowledge and having reason to know that such notices and advertisements would be transported using any means and facility of interstate and foreign commerce and in and affecting interstate commerce by any means, including by computer, and mailed, and where such notices and advertisements were transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and mailed, each constituting a separate Count of this Indictment:

COUNT	APPROX. DATES	DEFENDANT DE SEAR'S NOTICES AND ADVERTISEMENTS OFFERING CHILD PORNOGRAPHY
1	At various times between on or about May 28, 2010 and on or about February 9, 2011	Defendant DE SEAR provided notices and advertisements that he was sharing, with his P2P network, multiple images of children being sexually exploited.
2	February 26, 2011	Using the P2P Program's chat function, defendant DE SEAR offered to display and/or distribute pictures and videos to "boycuddle2."

COUNT	APPROX. DATES	DEFENDANT DE SEAR'S NOTICES AND ADVERTISEMENTS OFFERING CHILD PORNOGRAPHY
3	July 10, 2011	Using the P2P Program's chat function, defendant DE SEAR offered to display and/or distribute videos to "littleones."

In violation of Title 18, United States Code, Section 2251(d) (1) (A) and Section 2.

COUNTS 4 THROUGH 7
(Distribution of Child Pornography)

1. Paragraphs 1 through 33 of Counts One through Three are realleged and incorporated by reference as if fully set forth herein.

2. On several occasions, beginning as early as on or about May 28, 2010, the defendant, EDWARD M. DE SEAR, used the P2P Program to distribute video and image files depicting child pornography to members of his P2P network, by designating these child pornography files as shared files and thereby making them available for download by his network of "friends" on the P2P Program. It was pursuant to this file sharing that defendant DE SEAR distributed child pornography to undercover law enforcement agents, on or about the dates specified below.

3. On or about the dates specified below, in the District of New Jersey, and elsewhere, the defendant,

EDWARD M. DE SEAR,

did knowingly distribute numerous images of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), which images were 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, each distribution constituting a separate Count of this Indictment.

COUNT	APPROX. DATE
4	May 28, 2010
5	September 16, 2010
6	December 6, 2010
7	February 9, 2011

All in violation of Title 18, United States Code, Section 2252A(a) (2) (A) and Section 2.

COUNT 8
(Possession of Child Pornography)

1. Paragraphs 1 through 33 of Counts One through Three and paragraphs 1 and 2 of Counts Four through Seven are realleged and incorporated by reference as if fully set forth herein.

2. In or about July 2011, the defendant, EDWARD M. DE SEAR, possessed numerous images and videos of child pornography on the hard disk drive of his laptop computer.

3. Three of the files possessed by the defendant, EDWARD M. DE SEAR, in or about July 2011, had file names and descriptions as follows:

File Name	Description
\$R3GICFE.jpg	This image depicts a naked, prepubescent boy with brown hair, on his elbows and knees on a bed with a blue sheet. The boy appears to be approximately 4 years old. An adult male is kneeling over the boy's buttocks. The adult's thighs, knees and genitals are visible in the image. The adult male's penis is on the boy's buttocks and anus. This image is taken from the point of view of the adult male looking down on the boy.
\$R4BV6RH.jpg	This image depicts an infant boy lying on a bed. The boy appears to be 6-12 months old. The image appears to have been taken with a device equipped with night vision. The infant is wearing a bracelet on his right wrist. The infant's legs are raised and his knees are pulled back to the sides of his stomach. An adult male is kneeling or sitting in front of the infant. The adult male's left hand is on the shaft of his erect penis. The tip of the adult male's penis appears to be inserted into the infant's anus.

\$R5V4HXJ.jpg	This image depicts a prepubescent boy with dirty blond hair wearing a blue-striped shirt, lying on his left side. A naked adult male is lying on his back in front of the boy. The image was taken from the point of view of the adult male looking down his body towards the boy. The boy is lying in front of the adult's genitals and the boy's head is lying on the adult's right thigh. The boy is looking towards the adult male's head. The boy's left hand is on the base of the adult's partially erect penis. The text "MkBy0081.JPG" appears in the bottom, right-hand corner of the image.
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4. In or about July 2011, in Bergen County, in the District of New Jersey, and elsewhere, the defendant,

EDWARD M. DE SEAR,

did knowingly possess material, specifically a computer hard disk drive containing numerous images and videos of child pornography, as defined in Title 18, United States Code, Section 2256(8), which images were mailed, shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and which were produced using materials that were mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

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

FORFEITURE ALLEGATIONS

1. The allegations contained in this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 2253.

2. Pursuant to Title 18, United States Code, Section 2253, upon conviction of any of the offenses alleged in this Indictment, the defendant shall forfeit to the United States of America:

a. Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;

b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and

c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses.

3. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with,
a third party;

c. has been placed beyond the jurisdiction of the
court;

d. has been substantially diminished in value; or

e. has been commingled with other property which
cannot be divided without difficulty,
the United States of America shall be entitled to forfeiture of
substitute property pursuant to Title 21, United States Code,
Section 853(p), as incorporated by Title 18, United States Code,
Section 2253(b) and by Title 28, United States Code, Section
2461(c).

A TRUE BILL

FOREPERSON

Paul J. Fishman/rah

PAUL J. FISHMAN
United States Attorney

CASE NUMBER: 12-

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

EDWARD M. DE SEAR

INDICTMENT FOR

18 U.S.C. § 2251(d)(1)(A),
18 U.S.C. § 2252A(a)(2)(A),
18 U.S.C. § 2252A(a)(5)(B),
18 U.S.C. § 2

A True Bill,

Foreperson

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