UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Mag. No. 15-7051
	:	
v.	:	Hon. Cathy L. Waldor
	:	
DERRICK BAER	:	**CRIMINAL COMPLAINT**

I, Kevin P. Matthews, 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 the Federal Bureau of Investigation and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

Kevin P. Matthews, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence
on February 5, 2015, at Newark, New Jersey

HONORABLE CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

COUNT 1

From on or about January 13, 2009 through on or about February 8, 2009, in Warren County, in the District of New Jersey, and elsewhere, defendant

DERRICK BAER

did knowingly receive and attempt to receive material that contained child pornography, as defined in 18 U.S.C. § 2256(8), which materials were mailed and 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 that were produced using materials that have been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

In violation of 18 U.S.C. §§ 2252A(a)(2) and (2).

COUNT 2

On or about May 31, 2010, in Warren County, in the District of New Jersey, and elsewhere, defendant

DERRICK BAER

did knowingly possess and attempt to possess material that contained child pornography, as defined in 18 U.S.C. § 2256(8), which material were mailed and 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 that were produced using materials that have been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

In violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2.

ATTACHMENT B

I, Kevin P. Matthews, am a Special Agent with the Federal Bureau of Investigation. 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.

1. On or about May 31, 2010, law enforcement agents responded to a 911 call by defendant DERRICK BAER ("BAER") from his residence in Pohatcong Township, New Jersey (the "Residence"). BAER called to report that BAER's girlfriend, who also resided at the Residence, was unresponsive. Law enforcement and rescue personnel arrived at the Residence, administered CPR, and later pronounced BAER's girlfriend dead.

2. In connection with the investigation of BAER's girlfriend's death, BAER consented to a search of the Residence which resulted in the seizure of computer equipment belonging to BAER (the "Computer Equipment").

3. In connection with additional information obtained during the investigation of BAER's girlfriend's death, law enforcement officers sought and obtained a search warrant for a forensic review of the Computer Equipment for, among other things, evidence of child pornography.

4. A forensic review of the Computer Equipment revealed approximately 368 images and approximately 29 videos of child pornography, as defined by 18 U.S.C. § 2256(8). Certain of the images of child pornography were contained on the Computer Equipment in a folder named "Derrick's bad pictures." Three of the files recovered from the Computer Equipment are described as follows:

FILENAME	DESCRIPTION
Hornytoad's best cp ptn lsm pthc (137).jpg	This image appears to depict a naked, prepubescent, Caucasian female with blonde hair lying on her back on blue, white and yellow colored sheets and pillows. Her head is on a pillow up against a concrete wall. A naked, Caucasian, adult male is kneeling above the girl, over her stomach. His left hand is grasping his erect penis. The girl's eyes and mouth are closed. There appears to be ejaculate on the girl's chest.
(Pthc) Up 9Yo Girl.mpg	This video appears to depict a naked, prepubescent, Caucasian female with her legs tied and suspended in the air with a thick, white rope. She is lying on her back on dark colored sheets. She is visible from the waist down. An Adult Caucasian male's erect penis penetrated the girl's vagina. He then penetrated the girl's anus, rubs her vagina and penetrated the girl's vagina with his left index finger. He continues to penetrate the girl's vagina with his penis as the video ends. The video is approximately 1 minute, 19 seconds.
(Pthc) Kgirl 3yo (With Sound).mpg	This video begins with a Caucasian, adult male stroking his erect penis with his left hand and a prepubescent female's head in the area on the male's penis. The naked, prepubescent girl is lying on the bed with the adult male. The video transitions to the girl lying on the bed touching her vagina. The camera zooms in on the girl's vagina as she spreads it apart. The adult male licks the girl's vagina and she continues to rub her vagina. The camera zooms in and out from the girl's vagina. The girls is later seen dancing on her knees on the top of a bunk bed. A second prepubescent, Caucasian female is also on the top bunk and she bends over and the camera zooms in on the girl's vagina. The video is approximately 1 minute, 23 seconds.

5. In or around January 2015, law enforcement officers sought and obtained a search warrant that authorized additional forensic review of a Hitachi hard drive that was part of the Computer Equipment (the "Hard Drive").

This forensic review of the Hard Drive revealed that BAER downloaded or attempted to download at least 3 videos of child pornography by using Limewire, a publicly available peer-to-peer software program designed to allow users to trade digital files through a worldwide network that is formed by linking computers together. The videos downloaded from Limewire and recovered from the Hard Drive are described as follows:

FILENAME	APPROXIMATE DOWNLOAD DATE, STORAGE AND DESCRIPTION
(PTHC) Notta 2008 g 5yo.mpg	On or about January 13, 2009, this file was downloaded via Limewire. The user previewed this video during the download and the complete video was later located on the Hard Drive. The file was moved to a different folder on the Hard Drive after it was downloaded. This video appears to depict a Caucasian, prepubescent female lying on her back on a red sheet wearing black thong underwear and a white hooded top. Her legs are pulled back to her chest and the video is focused on her vagina. An adult male wearing a black shirt and bracelet positions her so she is on her knees and hands. He plays with her underwear as the girl's buttocks are visible. She is later seen lying down. The red sheet she is lying on is also draped on the wall next to her. The adult male moved her hands around her vagina and she pulls her underwear back revealing her vagina. There is then a close-up of her vagina with the adult male pulling back her underwear revealing her vagina. The girl is then shown pulling back her underwear revealing her vagina. Her buttocks are viewable to the camera as the adult male pulls back her underwear revealing her buttocks and vagina. A flash goes off a few times as if someone is taking a picture. The prepubescent girl is then seen on the bed and it appears the video is being taken with a night vision lens and it zooms in on the girl's vagina several times. The girl is later lying on her stomach as an adult male rubs the girls back. The video again shows close ups of the girl's exposed vagina and the camera switches out of night vision. The girl pulls the sides of her vagina as the video zooms in closer on her vagina. More flashes are seen as if someone is taking a picture. The video ends

FILENAME	APPROXIMATE DOWNLOAD DATE, STORAGE AND DESCRIPTION
	with a picture of the girl lying on her back holding her leg in the air revealing her vagina. This video is approximately 4 minutes, 14 seconds.
T-47400964-aaaaaaaa[Brazilian] 8yo boy butt-fucks 11 yo girl [see @01min06sec] pthc-!!-NEW!!-Neighborhood Kids – 10yrs buffing 04-01-200.mpg	On or about January 13, 2009, this file was downloaded via Limewire and was located on the Hard Drive. This video was moved to a different folder on the Hard Drive after it was downloaded. This video appears to depict a prepubescent male and prepubescent female on a bed. They play for a short time on the bed with clothes on. The boy then takes off the female's skirt and underwear. A person mostly off screen takes off the boy's shirt. The prepubescent male is on top of the prepubescent female, the female is face down on the bed. The prepubescent male has anal intercourse with the prepubescent female. This video is approximately 3 minutes, 9 seconds.
T-158387572-Zooskool - Amanda & The Bulldog.mpg	On or about February 8, 2009, this video was partially downloaded using Limewire. This video appears to depict a prepubescent female lying down, naked from her waist to her feet. She has dark hair and is wearing a dark colored sweater. An approximately 12-14 year old naked boy is lying down next to the prepubescent female. His genitals are exposed to the viewer of the video. The right hand of an adult male is stroking and rubbing the boy's genitals. The adult male rubs the prepubescent girl's vagina with his thumb. The video freezes and the closing credits of a movie are seen followed by a comedian on stage. This video is approximately 1 minute, 39 seconds.

6. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the image and video files described in paragraphs 4 and 5 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 files were downloaded from the Internet.