

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * **CRIMINAL NO. 15-042**

v. * **SECTION: "N"**

STEVEN GAETA *

* * *

FACTUAL BASIS

Should this matter have proceeded to trial, the government would have proven, through the introduction of competent testimony and admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment now pending against the defendant.

The government would establish that the case against **STEVEN GAETA** ("GAETA") developed as a result of an undercover Peer-to-Peer file sharing investigation conducted by special agents with the U.S. Department of Homeland Security, Homeland Security Investigations ("HSI"). HSI special agents determined that an individual using the IP address 74.177.253.98 was sharing files depicting children engaging in sexually explicit conduct. On June 3 and June 4, 2014, HSI agents downloaded child pornography from the above referenced IP address. During the investigation HSI determined that the defendant, **STEVEN GAETA**, was assigned IP address 74.177.253.98 on the dates and times that HSI conducted their undercover downloads of child pornography.

On November 24, 2014, federal agents sought and obtained a federal search warrant for **GAETA's** home located in Kenner, Louisiana. The following day, on November 25, 2014, agents executed the search warrant and observed **GAETA** in the act of downloading child pornography. Agents recovered **GAETA's** laptop computer, hard drive, and Samsung telephone.

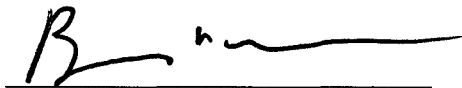
After being advised of his *Miranda* rights, **GAETA** admitted to receiving child pornography. **GAETA** said he used the search terms "young" and "teen" to locate young porn. **GAETA** said he downloaded child pornography all the time and that he had seen very young children in the pornography. **GAETA** said he preferred children between the ages of ten to twelve and admitted to masturbating to child pornography. According to **GAETA**, he had been viewing child pornography for four or five years. **GAETA** used the peer-to-peer file sharing program Shareaza to download child pornography and he said he would delete all of the material and then start downloading it again. **GAETA** said he kept his child pornography in his shared folder and he believed he had approximately 20 to 30 videos saved. **GAETA** also admitted to downloading and viewing videos of children that did not look consensual and depicted children being raped and in bondage.

HSI computer forensic examiners located approximately 120 videos and 500 images depicting the sexual victimization of children on the defendant's computer equipment. Specifically, these images and videos depict pre-pubescent boys engaged in sexual acts including young boys being anally raped.

Testimony would establish that the images possessed by **GAETA** were of pre-pubescent and pubescent boys less than 18 years of age; to wit: less than twelve (12) years old and that the images of the child victims were "sexually explicit" as defined in Title 18, United States Code, Section 2256. The government would establish that some of the images **GAETA** possessed depicted prepubescent minor children engaged in sex acts with adults including minors being anally penetrated by adult males. All of the images depicting the sexual victimization of minors possessed by **GAETA** would be introduced through the testimony of HSI agents.

Further, the government would present evidence that would establish that the images and videos of child pornography had been transported in interstate and foreign commerce via computer.

Various records and testimonial evidence, including testimony from representatives of Homeland Security Investigations, and other witnesses would also be admitted to prove the facts set forth above.



BRIAN M. KLEBBA
Assistant United States Attorney
New York Reg. No. 2938728

8/19/15
Date



STEVEN GAETA
Defendant

8-19-15
Date



VALERIE JUSSÉLIN
Counsel for Defendant

8-19-15
Date