
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Mag. No. 16-5011
v. : HON. LOIS H. GOODMAN
MATTHEW KAMINSKY : **CRIMINAL COMPLAINT**

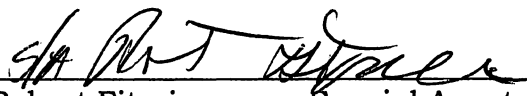
I, Robert Fitzsimmons, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

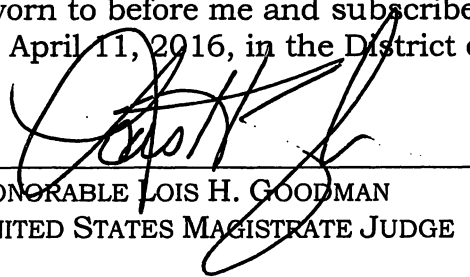
I further state that I am a Special Agent with the Department of Homeland Security, and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.


Robert Fitzsimmons, Special Agent
Department of Homeland Security
Homeland Security Investigations

Sworn to before me and subscribed in my presence,
on April 11, 2016, in the District of New Jersey


HONORABLE LOIS H. GOODMAN
UNITED STATES MAGISTRATE JUDGE

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LOIS H. GOODMAN
U.S. MAGISTRATE JUDGE

ATTACHMENT A

Count One

On or about January 31, 2015, in Middlesex County, in the District of New Jersey, and elsewhere, defendant

MATTHEW KAMINSKY

did knowingly employ, use, persuade, induce, entice, and coerce a minor female, "VICTIM 1," to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2251(a) and 2.

Count Two

On or about January 31, 2015, in Middlesex County, in the District of New Jersey, and elsewhere, defendant

MATTHEW KAMINSKY

did knowingly receive 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 2.

ATTACHMENT B

I, Robert Fitzsimmons, am a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"). I have knowledge of the following facts based upon both my investigation and discussions with other law enforcement personnel. 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.

1. Defendant MATTHEW KAMINSKY ("KAMINSKY") was a resident of Matawan, New Jersey.

2. In or around February 2014, law enforcement discovered that an e-mail account with the user ID "mknetlog" (the "E-Mail Account") had exchanged videos and images constituting child pornography with another e-mail address that was the subject of an investigation outside of New Jersey.

3. Subsequent investigation revealed that the subscriber of the E-Mail Account was listed as "Matthew Kaminsky," and was further listed as located within the State of New Jersey, within the zip code 07747. That zip code corresponds to Matawan, New Jersey. In or about the months of March and August 2014, the E-Mail Account was accessed via the internet from the IP address 69.125.103.100.

4. Law enforcement record checks determined that the IP address 69.125.103.100 was assigned to Optimum Online. A summons was sent to Optimum Online for the subscriber of IP address 69.125.103.100. Optimum Online reported that the subscriber resided at 9 Homestead Drive, Matawan, New Jersey (the "Homestead Drive Premises"), which also was KAMINSKY'S residence, according to New Jersey Motor Vehicle Service records.

5. Based in part on the above information, law enforcement lawfully obtained e-mails sent and received by the E-Mail Account. Between on or about June 30, 2013 and on or about August 1, 2013, the E-Mail Account sent numerous files that contained content constituting child pornography, as defined in 18 U.S.C. § 2256(8)(A), including the following:

- a. On or about June 30, 2013, the e-mail user identified as "Matthew Kaminsky" sent a message from the E-Mail Account. Attached to the message was a video file, entitled "l6yodaughtersuckingdad.mpg," which depicts a prepubescent girl engaging in oral copulation with an adult male.

- b. On or about August 1, 2013, the e-mail user identified as "Matthew Kaminsky" sent a message from the E-Mail Account attaching fifteen still images of child pornography. The IP address used to send these images was 69.125.103.100. One of these fifteen attached files, entitled "cum.jpg," depicts an adult male penis ejaculating onto the vagina of a female baby. Another file attachment, entitled "khlo.jpg," depicts a female baby whose vagina is exposed with the camera focused on the vagina.

6. Subsequent investigation in June of 2014 revealed that MATTHEW KAMINSKY was at that time receiving mail at the Homestead Drive Premises. A vehicle registered to KAMINSKY at the Homestead Drive Premises was observed parked in the driveway of that residence on more than one occasion in or about November and December 2014.

7. Based, in part, on the above information, law enforcement obtained a search warrant for the Homestead Drive Premises, which was executed on March 17, 2015. At that time, law enforcement seized approximately 28 electronic devices, including an Apple iPad 3.

8. KAMINSKY was present during the search, received Miranda warnings, elected to waive any Miranda rights he may have had, and gave a voluntary statement to law enforcement. KAMINSKY admitted that the E-Mail Account was his account, and that he used it, as well as other e-mail accounts, to obtain and collect images of child pornography from the internet. KAMINSKY further stated that he found sixteen-year-old girls online through the website "netlog" and sent these girls pictures of his penis. He also stated that he has interacted online via an instant messaging service with girls he believed to be as young as eight years old.

9. Forensic examination of the Apple iPad 3 revealed a series of chats via the internet-based messaging application "KIK" between an individual with the username "matt69k," later determined to be KAMINSKY, and a minor female later identified as VICTIM 1, including the following:

- a. On January 28, 2015, KAMINSKY wrote to VICTIM 1 expressing that she was "very pretty" based on her photograph. He told her, "If I were closer to your age I'd want you[.]" KAMINSKY was informed that VICTIM 1 was fourteen years old. KAMINSKY responded that he was forty-eight years old, which was in fact KAMINSKY's age at the time, and that he "wish[ed] women my age were as pretty as you[.]" KAMINSKY told VICTIM 1 that he lived in New Jersey, and asked where VICTIM 1 lived. VICTIM 1 responded that she lived in North Carolina.

- b. On January 29, 2015, KAMINSKY initiated another KIK chat session with VICTIM 1. During this chat, KAMINSKY again complimented VICTIM 1's appearance. KAMINSKY commented that, "your body must be really hot[.]" KAMINSKY then received from VICTIM 1 a series of photographs depicting her face and clothed body. KAMINSKY responded by indicating that a more revealing photograph would be better: "Definitely nice, but a true test of totally hot is the venerable bikini."
- c. On January 30, 2015, KAMINSKY again engaged in a chat session with VICTIM 1. During that chat session, KAMINSKY was asked by VICTIM 1 whether KAMINSKY was interested in "naughty pics[.]" KAMINSKY then received from VICTIM 1 three images, at least two of which contained child pornography. Specifically, KAMINSKY received from VICTIM 1 one image in which her naked breasts were exposed, and two images of her vagina. KAMINSKY responded that the pictures were "very nice indeed[.]" and asked, "You just take those?" VICTIM 1 responded "Yep," and "[f]or you[.]" In return, KAMINSKY sent VICTIM 1 a series of photographs depicting a naked adult male, including a photograph which appeared to be taken by aiming the camera at a mirror, in which was captured the man's exposed genitals as well as his torso and face. The undersigned was present during the search of the Homestead Drive Premises and has identified the individual in this photograph as MATTHEW KAMINSKY.
- d. Later in the January 30, 2015 KIK chat, KAMINSKY discussed wanting to perform various sexual acts with VICTIM 1, and told her "since we're on the whole sex subject, I'd love to see your pussy wide open[.]" KAMINSKY instructed VICTIM 1, "Spread it open with your fingers[.]" VICTIM 1 responded that she could not do that until her mom was no longer nearby. KAMINSKY agreed, "Yeah can't do that with mom around[.]" and sent additional pictures of an adult male penis. Later in the same conversation, after VICTIM 1 informed KAMINSKY that she needed to go to bed because she had school the next day, KAMINSKY again requested that VICTIM 1 take another picture of her vagina to send to him, writing, "What about the spread pussy shot?" VICTIM 1 responded, "Tomorrow."
- e. On January 31, 2015, KAMINSKY again engaged in a sexually explicit KIK chat with VICTIM 1. During this chat, KAMINSKY commented upon the appearance of her vagina in the photographs he received from her the previous day, as described in paragraph 9.c., and pressed VICTIM 1 to send him more pictures. KAMINSKY wrote to VICTIM 1, "You could take some now if no one's around[.]"

VICTIM 1 responded, "Ok two of them[.]" KAMINSKY then received two pictures from VICTIM 1 containing child pornography, specifically, a pubescent child's exposed vagina which was consistent with KAMINSKY's specific instruction. In one of these pictures, a pen was inserted inside the child's vagina. KAMINSKY responded that the pictures were, "awesome[.]"

10. Subsequent investigation revealed VICTIM 1 to have been 13 years old and living in North Carolina at the time of the January 2015 KIK chats with KAMINSKY. On March 16, 2016, VICTIM-1 was interviewed by a forensic interviewer, and identified herself as the child in the above-described pictures sent to KAMINSKY on or about January 31, 2015.

11. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the images described in paragraphs 9.a. through 9.e. 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 sent via the Internet, based upon, among other things, their presence as attachments to messages received by KAMINSKY's matt69k KIK account.