
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Michael A. Hammer
:
v. : Mag. No. 22-10323
:
MICHAEL KIMMERLE : **CRIMINAL COMPLAINT**
:
:
:

I, Nicole Disch, 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 United States Department of Homeland Security, Homeland Security Investigations ("HSI"), assigned to the Special Agent in Charge in the District of New Jersey, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

Nicole Disch
Nicole Disch, Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations

Special Agent Disch attested to this Complaint
by telephone pursuant to F.R.C.P. 4.1(b)(2)(A).

October 3, 2022 in the District of New Jersey
Date County and State

Honorable Michael A. Hammer
United States Magistrate Judge
Name and Title of Judicial Officer
s/ Hon. Michael A. Hammer
Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

(Distribution of Child Pornography)

From on or about August 24, 2021 through on or about August 7, 2022, in Bergen County, in the District of New Jersey, and elsewhere, the defendant,

MICHAEL KIMMERLE,

did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8), 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, Section 2252A(a)(2).

COUNT TWO
(Possession of Child Pornography)

On or about September 14, 2022, in Bergen County, in the District of New Jersey, and elsewhere, the defendant,

MICHAEL KIMMERLE,

did knowingly possess material that contained at least three images of child pornography, as defined in Title 18, United States Code, Section 2256(8), which images had been mailed, shipped, and transported using any means or 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 had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

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

ATTACHMENT B

I, Nicole Disch, am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (“HSI”). I am fully familiar with the facts set forth herein based on my own investigation, my discussions with other law enforcement officers, and my review of reports, documents, and other items of evidence. Where statements of others are related herein, they are related in substance and in part. Because this Affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not set forth each and every fact that I know concerning this investigation. 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.

Background

1. At all times relevant to this Complaint, Defendant Michael Kimmerle (“KIMMERLE”) was a resident of New Milford, New Jersey.

The Investigation

2. From on or about August 24, 2021 through on or about August 7, 2022, law enforcement conducted undercover online sessions (the “2021/2022 Sessions”) using a publicly available peer-to-peer (“P2P”) software application program (the “P2P Program”). P2P is a method of communication available to Internet users through the use of special software. The software is designed to allow users to trade digital files through a worldwide network that is formed by linking computers together. Generally, when P2P software is installed on a computer, the user is directed to specify a “shared” folder. All files placed in that user’s “shared” folder are available to anyone on the worldwide network for download. A person interested in sharing child pornography with others in the P2P network need only place those files in his or her “shared” folders. Those child pornography files are then available to all users of the P2P network for download regardless of their physical location. The computers that are linked together to form the P2P network are located throughout the world; therefore, the P2P network operates in interstate and foreign commerce.

3. The P2P Program allows users to connect to and share, search, and download content. The version used by law enforcement allows law enforcement to determine the IP address through which target computers access the Internet.

4. During the 2021/2022 Sessions, a computer user shared multiple files of child pornography using the P2P Program from a certain IP address (the “Target IP Address”). The undercover law enforcement officer established a direct connection to the Target IP Address. Several of the files being shared by the Target IP Address had a hash value that has been identified to contain visual depictions of children engaged in sexual acts with adults. These files were

shared during the 2021/2022 Sessions by a device using the Target IP Address. Video files and images of child pornography were available from the Target IP Address, which other users accessing the P2P Network could download.

5. Indeed, during the 2021/2022 Sessions, approximately 9 media files containing child pornography were available from the Target IP Address. The files included multiple visual depictions of pre-pubescent children engaged in sexual acts with adults, including the following representative sample:

FILE NAME	DESCRIPTION
File Name/Number: [pthc] 10 y Graciela Preteen Prostitute ~~ HD2015 opva new 2014 kids (02).rmvb eD2k Hash Value: B84B4C05E48A7CAF752BB392C3 43E196	This video is approximately 21:16 and depicts a prepubescent female, approximately 3-5 years old engaged in various sexual acts, including showing an adult male engaged in various acts of vaginal penetration with a prepubescent female using his penis, his fingers, and a Sharpie marker. This video file was downloaded by law enforcement during a session lasting between approximately 10:53 and 10:54 PM on or about May 2, 2022.
File Name/Number: Kluterkutje (jho)(pthc) 7-9 YO Laura Young New 0609 eD2k Hash Value: 4DA97593EB881F8CD7BE041AE3C2 E105	This video is approximately 20 minutes and 59 seconds in length and depicts an adult male performing sex acts on a prepubescent female, including oral sex. The adult male continues to put the prepubescent female in different positions and rubs his erect penis on and around her vagina for the remainder of the video. This video file was downloaded by law enforcement during a session lasting between approximately 5:35 and 5:52 PM on or about August 24, 2021.

File Name/Number: PTHC-Vicky2-Babyj Anal Upgrade Moskow Schoolgirl 3 Raygold Russian 7YO preteen Vicky (430mins).wmv eD2k Hash Value: E3D7E60D0DAEE285F7EE0AC0CD8 1B3F	This video is approximately 41 minutes in length but was only partially downloaded. The video shows a prepubescent female approximately 7-9 years old. She is engaged in oral sex with an adult male. Later in the video, there is an adult male's hand sticking his fingers in the prepubescent female's vagina and a sex toy into her buttocks. At approximately 30:59 the scene switches to an adult male anally penetrating the prepubescent female. This video file was downloaded by law enforcement during a session lasting between approximately 11:29 PM on or about December 31, 2021 and approximately 02:33 AM on or about January 1, 2022.
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6. The Target IP Address was assigned, at the approximate times of the 2021/2022 Sessions, to an account registered to KIMMERLE's residence (the "Residence") in New Milford, New Jersey.

7. On or about September 14, 2022, law enforcement executed a lawful search warrant of the Residence. During the search of the Residence, law enforcement asked KIMMERLE if anyone else lived in the Residence with him. KIMMERLE indicated that he lived by himself at the Residence.

8. During the search of the Residence, law enforcement lawfully seized a laptop computer (the "Laptop") located in KIMMERLE's living room, on which the P2P Program was present. Law enforcement confirmed with KIMMERLE that he is the sole account user on the Laptop. The P2P Program was the same version of the program that law enforcement previously associated with the Target IP Address. During a preliminary search of the items stored on the Laptop, law enforcement discovered Link File Formats ("LNK files") containing file names suggestive of child pornography material. A LNK file is a shortcut used by a computer's operating system, such as Windows, as a reference to an original (source) file, folder, or application. A LNK file is typically automatically created when a user opens a file for the first time.

9. Law enforcement's further investigation of the Laptop revealed approximately 400 thumbnail images¹ containing child pornography, which reside within thumbnail databases on the Laptop's operating system. The thumbnail databases store images representative of files that are stored within

¹ Thumbnails are reduced-size versions of pictures or images.

the device user's account. The presence of the thumbnail images indicates that the original files containing child pornography existed on the Laptop. Further, law enforcement discovered several thumbnail images that are still images derived from one of the video files described above, which was downloaded from the P2P Program associated with the Target IP Address—namely, “[PTHC] 10 y Graciela Preteen Prostitute ~~ HD2015 opva new 2014 kids (02).rmvb.”

10. Based upon my education, training, and experience, my discussions with other law enforcement officers, and to the best of my knowledge, the child pornography files described in Paragraphs 5 and 9 traveled in interstate commerce and were produced using materials that were mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, that is, the images and or videos were downloaded from and transmitted via the Internet.