2022R00751/CDC

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No. 24-
	:	
MICHAEL KIMMERLE	:	18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1)
	:	18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2)

I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

COUNT ONE
(Distribution of Child Pornography)

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), using any means and facility of interstate and foreign commerce, that had been 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, Sections 2252A(a)(2)(A) and 2252A(b)(1).

COUNT TWO

(Possession of Prepubescent 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 and attempt to possess, a book, magazine, periodical, film, videotape, computer disk, and other material that contained images and videos of child pornography, as defined in Title 18, United States Code, Section 2256(8), including images involving a prepubescent minor and a minor who had not attained 12 years of age, that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been 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, Sections 2252A(a)(5)(B) and 2252A(b)(2).

FORFEITURE ALLEGATION

1. The United States hereby gives notice that upon the conviction of the defendant MICHAEL KIMMERLE of the offenses in violation of 18 U.S.C. § 2252A charged in Counts One and Two of this Information, the United States will seek forfeiture, in accordance with 18 U.S.C. § 2253, of all right, title and interest of the defendant in the following:

(a) any visual depiction described in 18 U.S.C. §§ 2251, 2251A, 2252, 2252A, 2252B, or 2260, 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 18 U.S.C. Part I, Chapter 110;

(b) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses charged in Counts One and Two of this Information, and all property traceable to such property; and

(c) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense, and all property traceable to such property.

2. The property to be forfeited includes, but is not limited to, all right, title, and interest of the defendant in one HP laptop computer, bearing serial number 5CD0537FB8.

Substitute Assets Provision

If any of the above-described forfeitable property, 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 subdivided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253, to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

Philip R. Sellinger

PHILIP R. SELLINGER
United States Attorney