
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Douglas E. Arpert
	:	
v.	:	Mag. No. 18-1510 (DEA)
	:	
DAVID NELSON	:	<u>CRIMINAL COMPLAINT</u>

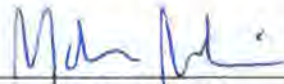
I, Marlee Mukai, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent of the Federal Bureau of Investigation, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.



Marlee Mukai, Special Agent
Federal Bureau of Investigation

Sworn to before me, and
subscribed in my presence

April 9, 2018 at
Trenton, New Jersey



HONORABLE DOUGLAS E. ARPERT
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Between on or about October 24, 2017 and on or about October 26, 2017, in Ocean County, in the District of New Jersey, and elsewhere, the defendant,

DAVID NELSON,

did knowingly distribute 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, Section 2252A(a)(2)(A).

ATTACHMENT B

I, Marlee Mukai, am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have participated in this investigation, discussed this matter with other law enforcement officers, and have reviewed documents and other materials. Accordingly, I have personal knowledge of the facts set forth below. Because this criminal complaint is being submitted only for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. Rather, I have set forth only the facts that I believe are necessary to establish probable cause. Unless specifically indicated, all conversations and statements described in this complaint are related in sum and substance and in part, and all dates and figures are approximate.

1. In 2017, the FBI field office in Louisville, Kentucky conducted an investigation regarding the production, distribution, receipt, and possession of child pornography via an online chat group over Kik Messenger ("Kik"), a social media application that users typically access with a cellular device. During the investigation, an undercover law enforcement agent communicated with one particular Kik user, hereafter referred to as "Kik User 1," regarding child pornography.

2. On or about October 26, 2017, Kik User 1 offered to the undercover agent to broadcast, live over Kik, the sexual abuse of his four-year-old daughter. Thereafter, law enforcement agents entered Kik User 1's residence and placed him under arrest.

3. Law enforcement obtained a warrant to search Kik User 1's cellular telephone ("cell phone") for evidence relating to child pornography. Among other things, law enforcement agents discovered on Kik User 1's cell phone chat communications between Kik User 1 and another Kik user operating under the user name "candicesloan1995." The review of Kik User 1's cell phone revealed, among other things, that between on or about October 24, 2017 and October 26, 2017, Kik user "candicesloan1995" uploaded multiple images depicting child pornography (as defined in Title 18, United States Code, Section 2256) to a Kik chat group. Three of the images uploaded by "candicesloan1995" during this time period are described as follows:

- a. A prepubescent female wearing a gray and white sweat outfit is lying face down on a red-and-white-patterned sheet. The child is nude from just above the crack of the buttocks to the upper thigh. A penis with a reflection of light on the shaft is visible in the lower portion of the image with the tip positioned in line with the child's crotch. The shaft of the penis is slightly smaller than the child's thigh.

- b. A prepubescent female, approximately 6-8 years old, is lying on her back on a black-and-white-patterned bedspread and white pillow. She is wearing a pink patterned blouse and a pair of striped leggings with white panties visible being pulled up her calves, which are positioned above her head. Her genitals are centered in the lower portion of the image and prominently displayed.
- c. A very young prepubescent female, approximately 2-3 years old, is visible from lower waist to feet. The child's right foot is tucked under a male's left thigh near his scrotum. The male is holding his penis in his right hand with the tip resting on the outer genitalia of the child.

4. Based on the discovery of "candicesloan1995's" distribution of child pornography via Kik, law enforcement obtained records from Kik relating to "candicesloan1995" to attempt to identify the individual accessing Kik under that user name. The records from Kik revealed, among other things, various IP addresses that "candicesloan1995's" cellular device had been assigned when "candicesloan1995" logged in to Kik in November 2017.

5. Based on the IP address information associated with "candicesloan1995's" Kik log-ins, law enforcement identified two accounts and one cellular device that law enforcement has linked to defendant DAVID NELSON. Specifically:

- a. *First*, law enforcement obtained records from an internet service provider, which revealed IP address information associated with particular Kik log-ins by "candicesloan1995." The IP addresses for these log-ins were assigned to a consumer internet account subscribed under the name of the mother of defendant NELSON's two-year-old daughter. Moreover, the account was subscribed at the residence that defendant NELSON shares with the mother of his daughter and his daughter.
- b. *Second*, law enforcement obtained records from a wireless telephone provider, which revealed IP address information associated with other particular Kik log-ins by "candicesloan1995." The IP addresses for these log-ins were assigned to a wireless telephone account subscribed by defendant NELSON's mother, with a listed telephone number ending in 7424 (hereafter, the "7424 Phone"). These records

also identified the 7424 Phone as the device that “candicesloan1995” used to log in to Kik on these occasions.

6. Law enforcement’s investigation revealed that defendant NELSON is the user of the 7424 Phone. On or about March 26, 2018, a law enforcement agent placed a call to the 7424 Phone at the same time that other law enforcement agents maintained visual surveillance of defendant NELSON. Agents observed defendant NELSON answer the call to the 7424 Phone.

7. On or about April 6, 2018, based on its investigation, law enforcement obtained a warrant to search defendant NELSON’s residence in or around Toms River, New Jersey for evidence relating child pornography.

8. Law enforcement executed the search of defendant NELSON’s residence on or about April 9, 2018, and recovered the 7424 Phone. During the search, defendant NELSON provided a statement to law enforcement during which he admitted, in sum and substance and among other things, distributing child pornography over Kik chat groups using the user name “candicesloan1995.”