

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon. Steven C. Mannion
v. : Mag. No. 18-6253
JAMES A. GABANY : **CRIMINAL COMPLAINT**

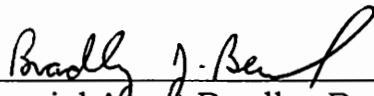
I, Bradley Benwell, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

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

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.



Special Agent Bradley Benwell
Department of Homeland Security
Homeland Security Investigations

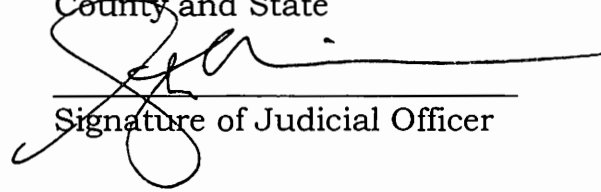
Sworn to before me and subscribed in my presence,

December 17, 2018
Date

at

Essex County, New Jersey
County and State

HONORABLE STEVEN C. MANNION
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

On or about July 27, 2018, in Middlesex County, in the District of New Jersey and elsewhere, the defendant

JAMES A. GABANY

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)(A) and 2252A(b)(1) and Title 18, United States Code, Section 2.

ATTACHMENT B

I, Bradley Benwell, am a Special Agent with the Department of Homeland Security, Homeland Security Investigations. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and evidence. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, 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 JAMES A. GABANY ("GABANY") was a resident of Colonia, New Jersey.

The Investigation

2. From at least as early as July 27, 2018 through in or about October 20, 2018, undercover law enforcement officers accessed a publicly available peer-to-peer ("P2P") network over the Internet and observed that a computer with a certain Internet Protocol ("IP") address was logged into the network. The investigation revealed that this IP address was associated with a computer used by an individual later identified as defendant GABANY. Law enforcement documented GABANY sharing multiple files suspected of depicting child pornography.

3. From at least as early as July 27, 2018 through in or about October 20, 2018, law enforcement downloaded numerous files containing what appeared to be child pornography via the P2P network from the computer with the IP address associated with GABANY. Specifically, law enforcement downloaded nine video files containing what appeared to be child pornography from GABANY. The following is a representative sample of the files I reviewed:

FILENAME	DESCRIPTION
File Name/Number: Hc D32_01-RCA 10 see Cunt-4- Russian Lolita Kim 10yo (8yo9yo) – [Redacted].mpg	This video, which is approximately 10 minutes and 34 seconds in length, contains several video clips and commences by showing a nude prepubescent girl of approximately 8 to 10 years in age lying on her back on what appears to be a patterned

FILENAME	DESCRIPTION
<p>Hash Value:</p> <p>209e1004d558f02ea826770af316526f</p>	<p>bedspread with green, black and pink floral designs. The girl is visible from her lower jaw to near her knees. The lower left side of the stomach area of an adult male can be seen as he attempts to vaginally penetrate the girl. This video file was downloaded by law enforcement during a session lasting between approximately 8:12 p.m. and 8:58 p.m. on or about July 27, 2018.</p>
<p>File Number/Number:</p> <p>(Pthc) Kinderkutje Pedoland Vid2.mpg</p> <p>Hash Value:</p> <p>Not captured</p>	<p>This video, which was partially downloaded by law enforcement with only short segments captured, would run approximately 16 minutes and 19 seconds in length if fully downloaded. The first captured portion of the video shows a girl with medium length brown hair, who appears to be approximately 11 to 13 years in age, on all fours in profile on a bed that is draped with a patterned blanket. In one segment of the video, the girl is straddling a nude adult male who is lying on his back and visible from his lower stomach to his feet. She is performing fellatio upon him. This video file was downloaded by law enforcement during a session lasting between approximately 12:25 p.m. and 12:38 a.m. on or about August 7, 2018.</p>
<p>File Name/Number:</p> <p>Pedo – Pthc – Jenny 9yo [Redacted]</p> <p>Hash Value:</p> <p>86d9941f82598d2e14c5693c3cf3f3d8</p>	<p>This video, which is approximately 2 minutes and 6 seconds in duration, commences by showing a nude prepubescent female who appears to be between 8 and 10 years of age as she lies on her back on a lavender blanket draped over a multi-color quilt or bedspread. Her wrists are bound by bright yellow cords. The video depicts sex acts between a girl and a</p>

FILENAME	DESCRIPTION
	dog as well as the girl's face as she performs fellatio upon an adult male's erect penis. This video file was downloaded by law enforcement during a session lasting between approximately 3:43 a.m. through 3:57 a.m. on or about October 20, 2018.

4. On or about December 17, 2018, law enforcement executed a lawfully obtained search warrant at GABANY's residence in Colonia, New Jersey (the "Residence"). At the Residence, law enforcement discovered computer equipment belonging to GABANY.

5. A preliminary forensic review of the computer equipment seized from GABANY's Residence revealed evidence of the P2P network on GABANY's computer equipment as well as files located within the "Recycling" folder with names indicative of child pornography, as defined by Title 18, United States Code, Section 2256(8).

6. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the files described in paragraph 3 above traveled in interstate commerce, that is, the images were downloaded by law enforcement from the Internet via the P2P network.