

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : HON.
: :
: : Criminal No. 19-
: :
: : 18 U.S.C. § 2251(c)
v. : : 18 U.S.C. § 2423(c)
FRANK WILLIAM MAILE : : 18 U.S.C. § 2252A(a)(5)(B)
: : 18 U.S.C. § 2

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Trenton, charges:

COUNT ONE

(Production of Child Pornography Outside the United States)

Between on or about November 27, 2015 and on or about December 27, 2015, the defendant,

FRANK WILLIAM MAILE,

who was arrested in the District of New Jersey, did knowingly employ, use, persuade, induce, entice, and coerce a minor female ("MINOR VICTIM 1") to engage in sexually explicit conduct outside of the United States, its territories and possessions, for the purpose of producing a visual depiction of such conduct, and the defendant intended such visual depiction to be transported to the United States, its territories and possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail, and transported such visual depiction to the United States, its territories and

possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail, and attempted to do so.

In violation of Title 18, United States Code, Section 2251(c) and Title 18, United States Code, Section 2.

COUNT TWO

(Production of Child Pornography Outside the United States)

Between on or about November 27, 2015 and on or about December 27, 2015, the defendant,

FRANK WILLIAM MAILE,

who was arrested in the District of New Jersey, did knowingly employ, use, persuade, induce, entice, and coerce a minor female ("MINOR VICTIM 2") to engage in sexually explicit conduct outside of the United States, its territories and possessions, for the purpose of producing a visual depiction of such conduct, and the defendant intended such visual depiction to be transported to the United States, its territories and possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail, and transported such visual depiction to the United States, its territories and possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail, and attempted to do so.

In violation of Title 18, United States Code, Section 2251(c) and Title 18, United States Code, Section 2.

COUNT THREE

(Illicit Sexual Conduct in a Foreign Place)

Between on or about February 18, 2016 and on or about March 28, 2016, the defendant,

FRANK WILLIAM MAILE,

a citizen of the United States, who was arrested in the District of New Jersey, did knowingly travel in foreign commerce from the United States to the Philippines and elsewhere, and engage in illicit sexual conduct, as defined in Title 18, United States Code, Section 2423(f), that is, (1) in a commercial sex act, as defined in Title 18, United States Code, Section 1591, with MINOR VICTIM 1, a person under 18 years of age; and (2) in the production of child pornography, as defined in Title 18, United States Code, Section 2256(8).

In violation of Title 18, United States Code, Section 2423(c) and Title 18, United States Code, Section 2.

COUNT FOUR

(Illicit Sexual Conduct in a Foreign Place)

Between on or about February 18, 2016 and on or about March 28, 2016, the defendant,

FRANK WILLIAM MAILE,

a citizen of the United States, who was arrested in the District of New Jersey, did knowingly travel in foreign commerce from the United States to the Philippines and elsewhere, and engage in illicit sexual conduct, as defined in Title 18, United States Code, Section 2423(f), that is, (1) in a sexual act with a person under 18 years of age that would be a violation of Chapter 109A of the United States Code if the sexual act had occurred in the special maritime and territorial jurisdiction of the United States, specifically, FRANK WILLIAM MAILE, then aged 60, traveled from the United States to the Philippines and elsewhere, and knowingly engaged in a sexual act with MINOR VICTIM 2, a person who had not attained the age of 16 years; (2) in a commercial sex act, as defined in Title 18, United States Code, Section 1591, with MINOR VICTIM 2, a person under 18 years of age; and (3) in the production of child pornography, as defined in Title 18, United States Code, Section 2256(8).

In violation of Title 18, United States Code, Section 2423(c) and Title 18, United States Code, Section 2.

COUNT FIVE

(Possession of Child Pornography)

On or about May 1, 2018, in Ocean County, in the District of New Jersey, and elsewhere, the defendant,

FRANK WILLIAM MAILE,

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

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

FORFEITURE ALLEGATIONS

Counts One, Two, and Five

1. Upon conviction of one or more of the offenses in violation of 18 U.S.C. §§ 2251 and/or 2252A charged in Counts One, Two, and Five of this Indictment, defendant FRANK WILLIAM MAILE shall forfeit to the United States, pursuant to 18 U.S.C. § 2253, all of his right, title and interest in the following:

- (a) all computer and computer accessories on which law enforcement discovered visual depictions described in 18 U.S.C. §§ 2251, 2251A, 2252, 2252A, 2252B, and 2260;
- (b) 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 Title 18 of the United States Code, Part I, Chapter 110;
- (c) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses charged in Counts One, Two, and Five of this Indictment; and
- (d) any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses charged in Counts One, Two, and Five of this Indictment,

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 defendant FRANK WILLIAM MAILE in the following, which were seized on or about April 6, 2018 and May 1, 2018:

- a. Apple MacBook Pro, Model A1425, Serial Number C02JJ0N0DR54;
- b. Apple iPhone, Model A1688, Serial Number DNPQDB4XGRYG;
- c. Apple iPhone, Model A1387, Serial Number C8PJ6507DT9V;
- d. Western Digital external hard drive, Serial Number WXD0A8953287;
- e. Averatec Laptop, Model 3200 Series, Serial Number SY4311008086;
- f. HP Laptop, Model Pavilion, Serial Number TW13420573;
- g. Dell Laptop, Model Inspiron 5100, Service Tag BDV5T2;1
- h. 1 compact disk;
- i. Apple iPhone, Model A1778, Serial Number F71W292PHG7G; and
- j. Apple iPhone, Model A1303, Serial Number 8694061N3NP.

Counts Three and Four

3. Upon conviction of one or more of the offenses in violation of 18 U.S.C. § 2423(c) charged in Counts Three and Four of this Indictment, defendant FRANK WILLIAM MAILE shall forfeit to the United States, pursuant to 18 U.S.C. § 2428, any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of each such offense, and any property, real or personal, that constitutes or is derived from any proceeds the defendant obtained, directly or indirectly, as a result of each such offense, and all property traceable to such property.

4. The property to be forfeited includes, but is not limited to, all right, title and interest of defendant FRANK WILLIAM MAILE in the properties that were seized on or about April 6, 2018 and May 1, 2018 and outlined in paragraph 2 of the Forfeiture Allegations.

Substitute Assets Provision

5. If any of the property described above, 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 person;
- (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 and 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

A TRUE BILL

FOREPERSON



CRAIG CARPENITO
United States Attorney