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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : Mag. No. 19-6332 (SCM)  
:   
v. : Hon. Steven C. Mannion  
:   
BENIGNO GONZALEZ-MENDOZA : **CRIMINAL COMPLAINT**

I, Elizabeth White, 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 Federal Bureau of Investigation, and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.




Elizabeth White, Special Agent  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

October 9, 2019 at  
Date

Newark, New Jersey  
City and State

Honorable Steven C. Mannion  
United States Magistrate Judge  
Name and Title of Judicial Officer

  
\_\_\_\_\_  
Signature of Judicial Officer

**ATTACHMENT A**

**Count 1**  
**(Receipt of Child Pornography)**

From on or about March 19, 2019 through on or about July 27, 2019 in Hudson County, in the District of New Jersey, and elsewhere, defendant

BENIGNO GONZALEZ-MENDOZA

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

## **ATTACHMENT B**

I, Elizabeth White, a Special Agent with the Federal Bureau of Investigation ("FBI"), Newark Division, have knowledge of the following facts based upon both my investigation and discussions with other law enforcement personnel and others. Because this affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known to the government concerning this matter. Where statements of others are set forth herein, these statements are related in substance and in part. 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 BENIGNO GONZALEZ-MENDOZA ("GONZALEZ-MENDOZA") resided in Jersey City, New Jersey.

### **The Investigation**

2. On or about March 19, 2019, a computer located at defendant GONZALEZ-MENDOZA's residence and belonging to GONZALEZ-MENDOZA connected to an Internet based peer-to-peer (P2P) network which attempts to let users anonymously share files on forums (the "Network"). On that date, defendant GONZALEZ-MENDOZA requested and downloaded from the P2P network the file described below.

File Name: Epic_April.mp4	This downloaded file contains a video file which depicts both moving video as well as still photographs. The images appear to depict a Caucasian female with blonde hair who appears to be between approximately 8 and 11 years old. Initially, still images of the female wearing a sweater and socks and no pants or underwear is shown, with visual depiction of the anus and vagina. The file shows a video of the female touching a Caucasian male adult penis with her hand and then performing oral sex on the adult male. In additional video clips contained within the file, an adult male masturbates and ejaculates on the female's buttocks, anus, and face. The video is approximately 11 minutes and 2 seconds in duration.
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3. On or about July 27, 2019, a computer located at defendant GONZALEZ-MENDOZA's residence and belonging to GONZALEZ-MENDOZA connected to the Network and requested and downloaded from the P2P network the file described below.



File Name: falkovideo part1.mp4	This video, contained in the downloaded file, depicts a blonde Caucasian adult female wearing lingerie with a brunette Caucasian female approximately 4 to 6 years old wearing lace stockings but otherwise naked. Throughout the video, the adult female utilizes her hand and a sex toy to touch the child's vaginal area and anus. The minor female then utilizes her hand and a sex toy to touch the adult female's vaginal area. Another portion of the video depicts a brunette Caucasian adult female with a brunette Caucasian female approximately 4 to 6 years old. The adult female utilizes the minor female's hand to penetrate the adult female's vagina while an adult Caucasian male shows his erect penis. The video also depicts the child wearing handcuffs while an adult Caucasian male touches the child's vaginal area with his hands, a sex toy, and cream, and then penetrates the child's vagina with his hand. This video is approximately 27 minutes and 34 seconds in duration.
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4. On October 9, 2019, law enforcement executed a lawfully obtained search warrant at defendant GONZALEZ-MENDOZA's residence and seized multiple computers and electronic storage media belonging to defendant GONZALEZ-MENDOZA. A preliminary forensic analysis of the computers and electronic storage media contained at GONZALEZ-MENDOZA's residence revealed evidence of GONZALEZ-MENDOZA's use of the Network.

5. Before and during the search of his residence and after being advised of his Miranda rights, defendant GONZALEZ-MENDOZA admitted to law enforcement officers, among other things, in substance and in part, that: (1) he has been viewing images and videos of child pornography for several years, (2) he uses the Network in order to view and download child pornography; and (3) he is sexually aroused by images of child pornography.

6. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the images described in paragraphs 2 and 3 above traveled in interstate commerce and were produced using materials that were mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, that is, the images were downloaded from and transmitted via the Internet.