
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. James B. Clark, III, U.S.M.J.
 :
 v. : Mag. No. 20-12409
 :
 ROBERT KLEMT : **CRIMINAL COMPLAINT**
 :
 :
 :

I, Jill Lasseter, 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 U.S. Department of Homeland Security, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

Special Agent Lasseter attested to this Complaint by telephone pursuant to F.R.C.P. 4.1(b)(2)(A).

Jill Lasseter
Jill Lasseter, Special Agent
Department of Homeland Security

October 20, 2020
Date

at Essex County, New Jersey
County and State

Honorable James B. Clark, III
United States Magistrate Judge
Name and Title of Judicial Officer

James B. Clark, III / J
Signature of Judicial Officer

ATTACHMENT A

COUNT ONE
(Possession of Child Pornography)

On or about June 29, 2020, in Passaic County, in the District of New Jersey, and elsewhere, the defendant,

ROBERT KLEMT,

did knowingly possess material that contained at least three images of child pornography, as defined in Title 18, United States Code, Section 2256(8), which images had been mailed, shipped, and transported using any means or facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that were produced using materials that had been mailed, and 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 2.

ATTACHMENT B

I, Jill Lasseter, am a Special Agent with the United States Department of Homeland Security – Homeland Security Investigations. I am fully familiar with the facts set forth herein based on my own investigation, my discussions with other law enforcement officers, and my review of reports, documents, and other items of evidence. Where statements of others are related herein, they are related in substance and in part. Because this Affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, 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 Robert Klemt ("KLEMT") was a resident of Wayne, New Jersey.

The Investigation

2. In or around May 2019, agents with the Department of Homeland Security – Homeland Security Investigations ("HSI") in Newark, New Jersey, received information from an out-of-district HSI division indicating that an individual had attempted to access a website containing a significant amount of child pornography from an IP address that resolved to a residence in Wayne, New Jersey (the "Wayne Residence"). The investigation revealed that KLEMT, who was previously convicted of distributing child pornography, resided at the Wayne Residence.

3. On or about June 29, 2020, law enforcement approached KLEMT at the Wayne Residence. After being advised of his Miranda rights, KLEMT signed a written waiver and agreed to speak with law enforcement. In an audio-recorded statement, KLEMT acknowledged utilizing the internet to access websites containing child pornography and provided agents with the names of some of the sites that he frequented. KLEMT stated that he consumed child pornography on a daily basis.

4. After being advised of his right to refuse, KLEMT gave law enforcement written consent to search his laptop computer, which he provided. KLEMT provided law enforcement with the correct password to the computer.

5. Law enforcement proceeded to search KLEMT's computer. During the search, law enforcement located a folder of cached videos and images that KLEMT had received from an encrypted, web-based application that allows for

calls, messaging, and group chats ("Application A").¹ Approximately 70 images and videos constituting child pornography were located in the folder. Descriptions of three of those items are as follows:

a. **Image file 'f_000c63'** shows a naked prepubescent boy laying on his back on a black surface. The naked boy is between approximately 5 and 7 years old and his naked torso and genitalia are visible. An adult male penis is seen penetrating the boy anally.

b. **Image file 'f_000c83'** shows a prepubescent boy between approximately 5 and 7 years old who is naked from the waist down. The naked boy is seen straddling a naked adult male. The naked adult male's erect penis is visible and pressed against the naked boy's penis. The naked boy is wearing a blue t-shirt that depicts a motocross bike rider with the words "Wild Rider" on it.

c. **Image file 'f_000cdc'** shows a naked prepubescent boy between approximately 7 and 9 years old who is standing, and his naked body can be seen from his nose down to his feet. A naked adult male's stomach and erect penis are visible facing the naked boy. The adult male's erect penis is touching the child's mouth.

6. On or about July 6, 2020, law enforcement traveled to the Wayne Residence, and asked KLEMT if he would speak with them again. After being advised of his Miranda rights, KLEMT signed a written waiver and agreed to speak with law enforcement. In an audio-recorded statement, KLEMT indicated that Application A is a platform used for group-chats. KLEMT acknowledged that he had "probably" viewed images of child pornography on Application A.

7. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the images/videos described above were transported and transmitted in interstate commerce because they were transmitted to KLEMT through Application A, a web-based platform whose servers are located outside the District of New Jersey.

¹ A cache folder is a location on a storage device containing an operating system where downloaded data can be temporarily stored in order to speed up retrieval time.