

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 20-____
 :
 v. : 18 U.S.C. §§ 2251(a), 2251(e), and § 2
 : 18 U.S.C. §§ 2252A(a)(2)(A), 2252A(b)(1) and § 2
 :
 ANDREW NICHOLAS :

INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

COUNT 1

Sexual Exploitation of a Child
(18 U.S.C. §§ 2251(a) and (e))

From on or about February 26, 2019 through on or about February 27, 2019, in Gloucester County, in the District of New Jersey, and elsewhere, the defendant,

ANDREW NICHOLAS,

did knowingly employ, use, persuade, induce, entice, and coerce a minor, that is, Minor Boy 1, to engage in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing visual depictions of such conduct, which visual depictions were produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual depictions had actually been transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed.

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

COUNT 2

**Distribution of Child Pornography
(18 U.S.C. §§ 2252A(a)(2)(A) and 2252A(b)(1), and § 2)**

From on or about February 26, 2019 through on or about February 27, 2019, in Gloucester County, in the District of New Jersey and elsewhere, the defendant,

ANDREW NICHOLAS,

did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that had been mailed, or 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, Sections 2252A(a)(2)(A) and 2252A(b)(1) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

1. The United States hereby gives notice that upon the conviction of the defendant ANDREW NICHOLAS of the offense in violation of 18 U.S.C. § 2251(a) charged in Count One and 18 U.S.C. § 2252A charged in Count Two of this Information, the United States will seek forfeiture, in accordance with 18 U.S.C. § 2253, of all right, title and interest of the defendant in the following:

- a. any visual depiction described in Title 18, United States Code, Sections 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, United States Code, Chapter 110;
- b. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense charged in this Information; and
- c. any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses,

and all property traceable to such property.

2. The property subject to forfeiture includes, but is not limited to, the following property seized from the defendant's residence on or about February 27, 2019:

- a. A cellular phone, Samsung model SM-G360T1, IMEI: 355637075455915
- b. A cellular phone, Samsung model SM-J727T1, IMEI: 354254094515512
- c. A cellular phone, Apple iPhone model A1633, FCC ID: BCG-E2946A
- d. A cellular phone, Apple iPhone model A1778, FCC ID: BCG-3091A

Substitute Assets Provision

3. If any of the above-described forfeitable property, 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, to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

A handwritten signature in blue ink that reads "Craig Carpenito" followed by a stylized flourish.

CRAIG CARPENITO
United States Attorney

CASE NUMBER: 20-_____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

ANDREW NICHOLAS

INFORMATION

18 U.S.C. §§ 2251(a) and (e)
18 U.S.C. § 2252A
18 U.S.C. § 2

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