
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Mag. No. 17-5005 (TJB)
v. :
MICHAEL A. RUGGIERO : Hon. Tonianne J. Bongiovanni
: **CRIMINAL COMPLAINT**

I, Robert Fitzsimmons, 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 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.


Robert Fitzsimmons, Special Agent
Department of Homeland Security
Homeland Security Investigations

Sworn to before me and subscribed in my presence,
on June 1, 2017, at Trenton, New Jersey


HONORABLE TONIANNE J. BONGIOVANNI
UNITED STATES MAGISTRATE JUDGE

RECEIVED

JUN 1 - 2017

TONIANNE J. BONGIOVANNI
U.S. MAGISTRATE JUDGE

ATTACHMENT A

Between on or about April 16, 2016 and on or about April 19, 2016, in Ocean County, in the District of New Jersey, and elsewhere, the defendant,

MICHAEL A. RUGGIERO,

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

ATTACHMENT B

I, Robert Fitzsimmons, am a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"). I 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.

1. At all times relevant to this Complaint, Defendant Michael A. Ruggiero ("Ruggiero") resided in Ocean County, New Jersey.
2. Canadian law enforcement officers reported to HSI that in March 2016, an officer with the Saskatchewan Police Service ("SPS") in Saskatchewan, Canada, arrested an individual ("John Doe") on parole violations. Pursuant to the arrest, SPS seized John Doe's cell phone. John Doe told SPS that he had been using an online mobile chat application ("Application A")¹ to download and distribute child pornography images and videos to a network of other users of the mobile chat application. He provided SPS his username and login information for the application and gave SPS consent to take over and use his account to conduct investigations and gather evidence.
3. Application A is designed for mobile chatting or messaging. To use this application, a user downloads the application to a mobile phone or other mobile device via a service such as Google Play Store, Apple iTunes, or another similar provider. Once downloaded and installed, the user is prompted to create an account and username. The user also has a display name, which is what other users see when transmitting messages back and forth. Once the user has created an account, the user is able to locate other users via a search feature, and the two parties can then send each other messages, images, and videos.

¹ The actual name of Application A is known to law enforcement. This chat application remains active and disclosure of the name of the application would potentially alert its users to the fact that law enforcement action is being taken against users of the application, thereby provoking users to notify other users of law enforcement action, flee, and/or destroy evidence. Accordingly, to protect the confidentiality and integrity of the ongoing investigation involved in this matter, specific names and other identifying factors have been replaced with generic terms and the application will be identified herein as Application A.

4. With the information John Doe provided, SPS logged in and secured John Doe's Application A account. In reviewing the chat conversations held with John Doe's account, SPS was able to identify unique Application A users who had shared at least one image or video of child pornography with John Doe directly, including one individual who will hereinafter be referred to as "User 1."
5. In response to Production Orders issued by a Provincial Court Judge in Canada, Application A produced user information and saved content regarding both John Doe and User 1's accounts. The results provided by Application A included, among other things, images and videos of child pornography shared between User 1 and John Doe, and also between User 1 and other Application A users in April 2016.
6. I have reviewed the information received from Application A. A review of that information shows that between on or about April 16, 2016 and on or about April 19, 2016, an Application A user with an account name that included the name "mike"² used Application A to distribute images and videos of child pornography to User 1 and other Application A users. Specifically, the images and videos distributed by the Mike Account included the following:

File Name	Date Sent	Description of Image
1. 1460859826552-9c3e4f6d-c6f6-4667-84d5-03d13ef229fc	4/17/2016 02:23:46 UTC	<p>This image depicts a fully naked pubescent female lying on a bed. A penis is ejaculating in front of her vagina.</p> <p>The I.P. address captured was 73.248.140.117.</p>
2. 1461091851936-bb39a0b7-54bf-4f9e-bf7f-dc456a801a9b	4/19/16 18:50:51 UTC	<p>The image depicts a prepubescent female naked on a bed with a naked adult female. The prepubescent female has taken her left hand and is rubbing the exposed vagina of the adult female. The adult female's buttocks is facing the camera.</p> <p>The I.P. address captured was 70.215.79.79.</p>

² The actual account name is known to law enforcement. But to protect the confidentiality and integrity of the ongoing investigation involved in this matter, the account name will be hereinafter be referred to as the "Mike Account."

3. 1461095332222-0b63e100-f94e-4f26-b6fd-34bcf54991ba	4/19/16 19:48:52 UTC	The image depicts a prepubescent female standing. The prepubescent female's pants have been pulled down exposing her vagina. The camera is focused on the small area of her vagina. The I.P. address captured was 73.248.140.117.
4. 1460859810189-1f7f0c1c-6ff7-455b-b75c-7ba694762c74	4/17/16 02:23:30 UTC	The movie file depicts a pubescent female lying naked on a bed taking a selfie movie of herself inserting her fingers into her vagina. The camera is focused on this female masturbation. The I.P. address captured was 73.248.140.117.

7. A review of the records provided by Application A revealed that the Mike Account distributed approximately ten images and two videos of child pornography to multiple Application A users.
8. According to the records provided by Application A, the 12 visual depictions of child pornography distributed by the Mike Account were transmitted over three Internet Protocol ("IP") addresses, including the following: (1) 73.248.140.117 ("IP Address 1"); and (2) 70.215.9.79 ("IP Address 2").
9. Further investigation revealed that IP Address 1 was registered to the Internet Service Provider ("ISP") Comcast and that between April 16, 2016 and April 19, 2016, the subscriber address for the account associated with IP Address 1 was a residence in Bayville, New Jersey (the "Bayville Residence").
10. Records provided by Application A, as well as follow-up investigation regarding those records, also revealed the following:
 - i. At various dates and times between April 16, 2016 and April 19, 2016, the Mike Account distributed images and/or videos of child pornography over the Internet while connected to IP Address 2.
 - ii. On those specific dates and times, IP Address 2 was registered to Verizon Wireless.

- iii. Also on those specific dates and times, Verizon Wireless reported that IP Address 2 was associated with a specific telephone number (“Target Telephone Number”).
 - iv. Verizon Wireless reported that on those specific dates and times, the Target Telephone Number account subscriber was Michael Ruggiero, and the associated address on the account was the Bayville Residence.
- 11. Application A provided additional information regarding the Mike Account, including an email address that was used to create the account (the “Email Address”). Further investigation linked the Email Address to a phone number and Facebook user identification number, both of which were traced back to Michael Ruggiero of Bayville, New Jersey.
- 12. Further investigation revealed that the current address listed on Michael Ruggiero’s driver’s license is the Bayville Residence.
- 13. Additionally, upon conducting surveillance at the Bayville Residence on or about February 28, 2017, I observed a boat docked in the front yard. A records check of the boat’s registration revealed the registered owner to be Michael Ruggiero with the Bayville residence listed as the registrant’s address.
- 14. Based upon my education, training, and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the images and videos described in Paragraph 6 were produced using materials that were mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer or mobile device. Further, based on my review of the images and videos, as well as my education, training, and experience, the images depict real children under the age of 18.