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Approved: Marcia S. Cohen
Marcia S. Cohen
Assistant United States Attorney

Before: THE HONORABLE JUDITH C. MCCARTHY
United States Magistrate Judge
Southern District of New York

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 :
 UNITED STATES OF AMERICA : SEALED COMPLAINT
 :
 : Violations of 18 U.S.C.
 -v- : §§ 2252A(a)(1),
 : (a)(2)(B), (a)(5)(B),
 ANUPAM BISWAS, : and (b)(2)
 :
 Defendant. : COUNTY OF OFFENSES:
 : Westchester
 -----X

SOUTHERN DISTRICT OF NEW YORK, ss.:

KELLEY MCMANUS, being duly sworn, deposes and says that she is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("DHS-HSI") and charges as follows:

COUNT ONE

(Receipt and Distribution of Child Pornography)

1. On or about January 11, 2017, in the Southern District of New York and elsewhere, ANUPAM BISWAS, the defendant, knowingly received and distributed material containing child pornography that had been mailed, and using means and facilities of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, BISWAS distributed a file containing child pornography from a computer in Westchester County via a Peer-to-Peer networking program.

(Title 18, United States Code, Sections 2252A(a)(2)(B) and (b)(1).)

COUNT TWO
(Possession of Child Pornography)

2. On or about February 17, 2017, in the Southern District of New York, ANUPAM BISWAS, the defendant, knowingly did possess, and knowingly did access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material containing an image of child pornography that had been mailed, and shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, BISWAS possessed images of child pornography, including images of prepubescent minors and minors who had not attained 12 years of age, on a Western Digital external hard drive located in Westchester, New York.

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

The bases for my knowledge and for the foregoing charges are as follows:

3. I have been a Special Agent with DHS-HSI and its predecessor agency since 2003, and I have been assigned to investigate violations of criminal law relating to the sexual exploitation of children, in violation of Title 18, United States Code, Section 2252A, among other offenses. I have gained expertise in the conduct of such investigations through, among other things, training in seminars, classes, and everyday work related to conducting these types of investigations. I have conducted or participated in the execution of search warrants; interviews of informants, cooperating witnesses, and other witnesses; and reviews of business and other records. In part through my training, education, and experience, I have become familiar with the manner in which acts of sexual exploitation of children are committed. I also have received training in the investigation and enforcement of federal child pornography laws and offenses in which computers are used as the means for receiving, transmitting, and storing child pornography, and I have participated in the execution of search warrants involving electronic evidence.

4. I have been personally involved in the investigation of this matter, and I am familiar with the information contained

in this Complaint based on my own personal participation in the investigation, my review of documents, conversations I have had with other law enforcement officers about this matter, my training and experience, and numerous discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Because this Complaint is being submitted for the limited purpose of establishing probable cause to arrest the defendant, I have not included the details of every aspect of the investigation. Where actions, conversations, and statements of others are related herein, they are related in substance and in part, except where otherwise indicated.

Definitions

5. The following terms have the indicated meaning in this Complaint:

a. The terms "minor," "sexually explicit conduct," and "visual depiction," as used herein, are defined as set forth in Title 18, United States Code, Section 2256.

b. The term "child pornography," as used herein, is a visual depiction of a minor involved in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(8).

c. "Computer" means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device. See 18 U.S.C. § 1030(e)(1).

Technical Background

6. Based on my training, experience, and information related to me by other law enforcement agents, I know the following:

a. An Internet Protocol ("IP") address is a unique numeric address used to identify a particular computer connected to the Internet. An IP address looks like a series of numbers separated by periods. Every computer connected to the Internet must be assigned an IP address so that communications from or directed to that computer are routed properly.

b. The Internet is a global network of computers and other devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when devices communicating with each other are in the same state.

7. This investigation involves a Peer to Peer ("P2P") file sharing network called BitTorrent. Based on my review of documents and conversations with other law enforcement officers, I have learned the following, in sum and substance, regarding BitTorrent:

a. P2P file sharing allows people using P2P software to download and share files with other P2P users using the same or compatible P2P software. P2P software is readily available on the Internet and is often free to download. Internet-connected devices, such as computers, tablets, and smartphones, running P2P software form a P2P network that allows users on the network to share digital files.

b. Because of their relative ease of use and perceived anonymity, many P2P networks provide readily available access to child pornography. I know from using P2P file sharing software that the search results presented to a user allow the user to select a file and then receive that file from other users around the world. I am aware that these users can receive the selected file from numerous sources at once.

c. On a P2P network, different copies of the same file may have different file names. However, each file has a corresponding hashed algorithm value ("hash value") which uniquely identifies it on the network. The hash value is often referred to as a digital signature, which is akin to a fingerprint. P2P software uses these hash values to determine whether files hosted on different computers with different names are, in fact, the same file.

d. One method employed by law enforcement agents to investigate crimes involving child pornography is the use of investigative software. Such software is designed by and for law enforcement and is available to law enforcement officers who have been trained in the software. Such software can be used by law enforcement agents to obtain the IP addresses of computers that have a P2P network installed and that have individual files available for download with hash values that correspond to videos or images of known child pornography. Such software can also be used by law enforcement to download files from one specific user of a P2P network, which is different from the

consumer version of a P2P network that typically draws files from multiple users at a time.

e. BitTorrent is one of many P2P networks. For a user to become part of the BitTorrent network, the user must first obtain BitTorrent software and install it on an Internet-connected device. When the BitTorrent software is running and the device is connected to the Internet, the user will be able to download files from other users on the network and share files from their device with other BitTorrent users.

f. Users of the BitTorrent network who seek to share content use a BitTorrent program to create a "torrent" file for the file or group of files that the user wishes to share. A torrent file is a small file that contains information about the file or files contained within it and provides a method for another user to download that file or those files.

g. Users of the BitTorrent network may locate torrent files via keyword searches on Internet sites that host or link to them. Torrent files may also be located by their hash value or "infohash," which uniquely identifies the torrent file based on the file or files contained within it.

h. Once a user has located a torrent file, the BitTorrent software processes the information in the torrent file and locates devices on the BitTorrent network that are sharing all or parts of the actual file or files that the user seeks. The requesting computer and the sharing computer or computers then directly connect to each other over the Internet using the BitTorrent software.

8. From my training and experience, I know that the National Center for Missing and Exploited Children ("NCMEC") maintains a registry listing of, among other things, the hash values of computer files containing images and videos believed to be child pornography. NCMEC also maintains a list of those files for which law enforcement has been able to specifically identify the minors depicted.

The Investigation

9. From my conversations with a criminal investigator for the Westchester County District Attorney's Office ("Investigator") and my review of the Investigator's records, I have learned, in substance and in part, that:

a. In or about January 2017, the Westchester County District Attorney's Office's High Technology Crime Squad ("HTCS") was using investigative software to conduct an online investigation on the BitTorrent network focused on the sharing of child pornography.

b. The HTCS found a specific IP address (the "IP Address") that was associated with a torrent file containing a hash value associated with child pornography (the "Torrent File").

c. On January 11, 2017, between approximately 3:01 and 3:08 a.m., using a computer running BitTorrent software, HTCS connected to the device at the IP Address and downloaded a file titled "(hussyfan)(pthc)(r@ygold) Preteen Asain Alica 11 yo Philippine (Filipina) child prostitute xxx HC Pedo ptsc.mpg," ("File-1") that the device at the IP Address was making available through the Torrent File.

10. I have reviewed File-1. It is a movie of approximately 16 minutes and 30 seconds in duration and depicts an adult male engaging in sexual activity with a prepubescent female. At one point in the video, the female appears to be performing oral sex on the adult male. The male has what appears to be a black hood covering his face. Later in the video, the male appears to perform oral sex on the female and engage in vaginal sex with the female.

11. From my conversations with the Investigator, my review of the HTCS records, and my review of records received from Optimum Online, I have learned, in substance and in part, that:

a. HTCS requested subscriber information for the IP Address.

b. The account using the IP Address on or around the date and time described in paragraph 9(c) above was registered to the subscriber "Anupam Patel" at a particular address in Westchester, New York (the "Westchester Address").

12. From my conversations with the Investigator, my review of the HTCS records, and my review of search warrant documents, I have learned, in substance and in part, that:

a. On or about February 14, 2017, HTCS received a search warrant for the Westchester Address. The search warrant authorized the search and seizure of, among other things, any

computer or other internet-capable device or computer storage media found at the Westchester Address.

b. On or about February 17, 2017, HTCS executed the search warrant. When they arrived at the Westchester Address, ANUPAM BISWAS, the defendant, was present. He stated that he and his wife had lived at the Westchester Address for the last several years, that they were the only two people who lived there, and they had not had anyone else stay at the Westchester Address for the last couple of months. BISWAS, the defendant, identified his computer and stated he and his wife each had their own computers and that his wife did not use his computer. He provided his username for the computer and stated that he also had several external hard drives that he used as well to store work items, movies and music. He identified two Western Digital hard drives, including a Western Digital external hard drive with serial number WCC4ENAF97HO (the "Western Digital Hard Drive"), as his external hard drives. Among other things, BISWAS stated, in substance and in part, that he was familiar with what torrents are, that he had seen images of child pornography, and that he might have a few images or movies containing child pornography.

c. After entering the Westchester Address, members of the HTCS located and seized several digital items, including the Western Digital Hard Drive.

13. Following the search, a forensic examination of the Western Digital Hard Drive was conducted by HTCS personnel specially trained in computer forensic examinations. The examination revealed, in substance and in part, that the Western Digital Hard Drive contained thousands of images and videos of child pornography, many of which I have personally reviewed. Four of the files on the Western Digital Hard Drive that I reviewed are:

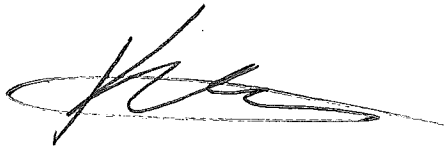
a. A file with the name "(pthc pedo) Kids porno - clip collection.avi" is a video approximately 53 minutes in duration. The video is a collection of clips that depict prepubescent girls and boys involved in sexual acts with adult males and females. During the video, there is a clip of an adult female who performs oral sex on a female toddler, a prepubescent girl performing oral sex on a prepubescent boy, an adult male engages in vaginal sex with a prepubescent girl, and several clips of prepubescent girls performing oral sex on an adult male.

b. "(Yamad) Hussyfan(Pt)';'1Hannah-Forced H.mpg" is a video approximately 40 seconds in length. The video depicts a prepubescent girl who pulls her pants down and sits on a couch. An adult male puts the girl's legs in the air and spreads her vagina apart.

c. "10 yr f+d blowjob #30(1)(1).jpg" is an image file that depicts a prepubescent girl with an adult penis in her mouth.

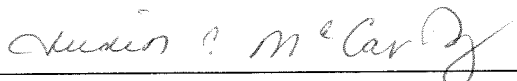
d. "`00548 NEW! Pedo 9yo Tori 02 Lsm kdquality childlover pthc kidzilla.JPG" is an image file that depicts a prepubescent girl who is naked on a bed. The girl has her legs spread apart exposing her vagina as the focal point of the image.

WHEREFORE, the deponent respectfully requests that ANUPAM BISWAS, the defendant, be arrested and imprisoned or bailed, as the case may be.



KELLEY McMANUS
Special Agent
Department of Homeland Security
Homeland Security Investigations

Sworn to before me this
13 day of November, 2017



THE HONORABLE JUDITH C. MCCARTHY
United States Magistrate Judge
Southern District of New York