
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Mag. No. 14-7143
 :
 v. : Hon. Cathy L. Waldor
 :
 ROBERT MILLER : **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 Homeland Security Investigations and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page 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 July 30, 2014, at Newark, New Jersey

HONORABLE CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

From on or about April 30, 2014 to on or about May 7, 2014, in Bergen County, in the District of New Jersey, and elsewhere, the defendant

ROBERT MILLER

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. From on or about April 30, 2014, to on or about May 7, 2014, law enforcement conducted undercover operations on the Internet using a peer-to-peer file-sharing program (“P2P program”). The P2P program allows users to share media files such as images, music, and videos. During those undercover operations, law enforcement downloaded approximately 115 video files containing child pornography that were distributed onto the P2P program via a computer belonging to the defendant ROBERT MILLER (“MILLER”). Law enforcement confirmed that the internet protocol (“IP”) address used to distribute the video files described above was registered to MILLER and that the address on the account was MILLER’s residence.

2. Because MILLER made available the video files on the P2P program, other users of the P2P program could access the video files. Two of the files posted by MILLER are described as follows:

IMAGE	FILENAME	DESCRIPTION
1	“(moja_04_(gay porno boys pthcpedo).avi)”	This video file depicts a prepubescent male inserting his penis into the anus of another prepubescent male. This file was downloaded on May 4, 2014.
2	“Summer Camp counselor 25yo shows 11yo boy how to cum -preteen pedo gay kiddy.mpg.”	This video file depicts a naked adult male stroking the penis of a naked prepubescent male. This video was downloaded on May 2, 2014.

4. On July 30, 2014, law enforcement executed a search warrant at MILLER’s residence and seized his computer. A field forensic analysis revealed that MILLER’s computer contained the P2P program’s software as well as videos of child pornography. MILLER was arrested after child pornography was found on his computer.

5. Based upon my training and experience, and the investigation to date, I have determined that the images and videos described above traveled in interstate commerce and were produced using materials that were mailed and shipped and transported in and affecting interstate and foreign commerce.