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Approved: Margery B. Feinzig
MARGERY B. FEINZIG
Assistant United States Attorney

Before: HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

- - - - -x
:
UNITED STATES OF AMERICA :
:
- v. - :
:
JONATHAN DELAURA, :
a/k/a "Jon Dulak," :
Defendant. :
:
- - - - -x

COMPLAINT
Violation of
18 U.S.C. §§
2252A(a)(2)(B),
2252A(a)(2)(b)(1),
2252A(5)(B),
1470 and 2260A

Counties of Offense:
Westchester, Putnam

SOUTHERN DISTRICT OF NEW YORK, ss.:

12 MAG 723

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

COUNT ONE

From at least on or about May 5, 2011, through on or about May 10, 2011, in the Southern District of New York and elsewhere, JONATHAN DELAURA, 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, DELAURA distributed files containing images and videos of child pornography in Westchester County from a computer over the Internet via a Peer-to-Peer networking program.

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

COUNT TWO

On or about February 8, 2012, in the Southern District of New York, JONATHAN DELAURA, a/k/a "Jon Dulak," the defendant, knowingly possessed a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, 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, to wit, DELAURA possessed in his residence in Westchester County, New York videos and images of child pornography contained on an iPod that had been transported via the Internet.

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

COUNT THREE

On or about November 25, 2011, in the Southern District of New York, JONATHAN DELAURA, a/k/a "Jon Dulak," the defendant, using the mail and any facility and means of interstate and foreign commerce, knowingly transferred obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, to wit, DELAURA sent photographs of a penis and a buttocks through an Internet chat site to a fifteen year old boy.

(Title 18, United States Code, Section 1470.)

COUNT FOUR

On or about November 25, 2011, in the Southern District of New York, JONATHAN DELAURA, a/k/a "Jon Dulak," the defendant, being required by Federal or other law to register as a sex offender, unlawfully, willfully and knowingly committed a felony offense involving a minor under section 1470, to wit, DELAURA sent photographs of a penis and a buttocks through an Internet chat site to a fifteen year old boy, in violation of Title 18 United States Code, Section 1470.

(Title 18, United States Code, Sections 2260A.)

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

1. I am a Special Agent with HSI. I am familiar with the information contained in this Complaint based on my own personal participation in the investigation, conversations I have had with other law enforcement officers who have also participated in the investigation, my review of documents and reports, 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, I have not included the details of every aspect of the investigation. Where actions, conversations, statements of others, and contents of documents, are related herein, they are related in substance and in part, except where otherwise indicated.

DEFINITIONS

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

a. The term "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)(A).

THE INVESTIGATION

3. I know, based on my training and experience, that peer to peer file sharing ("P2P") is a method of communication available to Internet users through the use of special software. The software is designed to allow users to trade digital files, including still images and videos, through a worldwide network that is formed by linking computers together. There are several P2P networks currently operating. There are several different software applications that can be used to access these networks but these software applications, which are publicly available and can easily be downloaded from the Internet, all operate in essentially the same manner.

4. I know, based on my training and experience, that once installed on a computer, P2P file sharing software allows a computer user to (1) search the P2P network for digital files, including still images and video files, that are being "shared" by other members of the network, (2) download digital files, including still images and video files, that are being shared by other members of the network, and (3) share their respective digital files, including still images and video files, with other members of the P2P network.

5. I know, based on my training and experience, that P2P file sharing software is used for the purpose of sharing digital files. When the P2P software is installed on a computer, the user is directed to specify a "shared" folder. All files

placed in that user's "shared" folder are visible to anyone on the P2P network. All files placed in that user's "shared" folder are available to anyone on the P2P network for download, unless a user has specifically designated a file not to be shared. Conversely, a P2P user is only able to download those computer files that other members of the P2P network have authorized for sharing, in either their respective shared folders or in other folders.

6. One specific P2P Network uses a file encryption method called the Secure Hash Algorithm (the "SHA") to determine whether files shared over the P2P Network are identical in content. Based on my training and experience in this investigation and others, I understand that files can be given a digital signature through this SHA process, akin to a fingerprint. By comparing these digital signatures, one can conclude that two files are identical with a precision that greatly exceeds 99.9999% certainty.

7. By querying the P2P Network, it is possible to compare the SHA signatures of files made available for sharing by certain P2P network users with SHA signatures that belong to movies or images of known child pornography. These known movies or images of child pornography have been compiled by law enforcement agencies during the course of separate and unrelated Internet child sexual exploitation investigations into a database readily accessible for law enforcement use. In this way, using publicly available information, law enforcement agents can identify known movies or images of child pornography that are available on the P2P Network, and the users who have chosen to share them.

8. Computers utilizing the Internet identify each other by Internet Protocol ("IP") address. Law enforcement agents can use IP addresses to discover the identity and location of a particular Internet user. Further, agents can use IP addresses to trace Internet activity to a particular internet service provider ("ISP"), which can typically identify the specific customer who uses the IP address to access the Internet. Using IP addresses, I have been able to locate computers within the Southern District of New York that have made known images or movies of child pornography available for distribution via the P2P Network.

9. I have access to a P2P program (the "Program") that enables trained law enforcement officers and agents, like myself, to browse and download files of known child pornography from P2P network users. The Program is specifically designed to

connect directly to one IP address and browse or download from one specific P2P network user at a time. By contrast, public file sharing software, like Limewire and Bearshare, download from many sources. Aside from the Program's ability to connect directly to one IP address, the Program is otherwise like public file sharing software.

10. On or about May 5, 2011, I used the Program to browse and download suspected child pornography files. The Program established a direct connection to a computer at a certain IP address (the "IP Address") and obtained a file list from the shared folder. The file list contained approximately 271 files. Of the approximately 271 files, the Program identified approximately 73 as containing suspected child pornography based on SHA values. The user was sharing, among others, the following files:

- a. SHA Value: F3XAZD5UJ7TL2KCQSGOH3RRGHLZ42ZBS
File Name: pedo - 11 year old kids having sex.mpg
- b. SHA Value: 6KNE7UE76DSXC7SMQMFTWHF6FDH5ZOT6
File Name: (Pt)'_'p101-f03-Cj - Gay Pthc Dad Pops His 8Yo Boys Butt Cherry -preteen pedo gay kiddy incest.avi
- c. SHA Value: XWC4HNRIIWEGU3ANFIUHOB3LMLCLL64T
File Name: Bibcam - 10yo Boy - Andys Brother pthc pedo gay.mpg

11. Based on my experience, I know that file names do not always accurately depict the contents of the file. Therefore, I have viewed files with identical SHA values as the three files identified above in paragraph 10. In other words, I compared the SHA values for the three files identified in paragraph 10 with the SHA values for the three files that I viewed and confirmed they were identical. I found that each file depicts child pornography, as described below:

- a. SHA Value: F3XAZD5UJ7TL2KCQSGOH3RRGHLZ42ZBS
Description: A video file, approximately 3:20 minutes in length, which depicts a nude boy and a nude girl who appear due to their size and general youthful appearance, to be pre-

pubescent. The boy and girl are on a white sheet. When the video begins, the boy is masturbating. The boy then has vaginal intercourse with the girl.

b. SHA Value: 6KNE7UE76DSXC7SMQMFTWHF6FDH5ZOT6

Description: A video file, approximately 3:23 minutes in length, depicting an adult male lying on a bed with a boy who appears due to his size and general youthful appearance to be pre-pubescent, on top of him. The adult male is having anal intercourse with the boy. The boy then lays flat on his stomach on the bed and the adult male continues to have anal intercourse with the boy.

c. SHA Value: XWC4HNRIIWEGU3ANFIUHOB3LMLCLL64T

Description: A video file, approximately 59 seconds in length, depicting a naked boy, who appears due to his size and general youthful appearance to be pre-pubescent, posing in several different positions on a bed. At one point, the camera focuses in on the boy's genitalia.

12. On May 8, 2011, the Program successfully downloaded a file that the IP Address was making available.¹ I have viewed the file. As described below, the file depicts child pornography:

a. SHA Value: 5PYEPYXZSGTCRBNUR4H3375BY3WPAVMN

File Name: Ja10 PRETEEN - KDV - RBV - R@YGOLD - PJK - GAY - BOY - zadoom pedo boy 8 yr - Man fuck little boy Part 1.mpg

Description: This video is approximately 9 seconds in length. The video depicts a boy, who appears based on his size and general youthful appearance to be pre-pubescent, sitting on top of an adult male. The adult

¹ Although the Program did not successfully download the file until May 8, 2011, the file was offered for download by the IP Address on May 5, 2011.

male is penetrating the boy's anus with his penis.

13. On May 10, 2011, the Program successfully downloaded another file that the IP Address was making available. I have viewed the file. As described below, this file also depicts child pornography:

a. SHA Value: Z7FK35L3MKEKOPL7M2TAZDLKZ7EOZPIQ

File Name: bibcam - hippie12-Michael12 0 1
((kingpass) 12yo boy(cum)(1).avi

Description: This video, approximately 8:03 minutes in length, depicts a young boy who appears based on his size and general youthful appearance to be pre-pubescent. The boy is masturbating in front of what appears to be a web camera.

14. On May 10, 2011, the Program successfully downloaded another file that the IP Address was making available.² I have viewed the file. As described below, this file also depicts child pornography:

a. SHA Value: QTZMD7PM2APGTHLMWGU4AU4RWC5J3SRQ

File Name: 8yo Boy Fucked with Reggaeton.mpg

Description: This video, approximately 26 seconds in length, depicts a boy, who based on his size and general youthful appearance, appears to be pre-pubescent. The boy is lying on the edge of a bed with his legs open. An adult male, standing in between the boy's legs, is penetrating the boy's anus with his penis.

15. I have reviewed records from an Internet Service Provider (the "ISP") for account information related to the IP Address. Based on that review, I know that from on or about April 6, 2011 through on or about May 8, 2011, the IP Address was utilized by an account registered to "JONATHAN DELAURA." The

² Although the Program did not successfully download the file until May 10, 2011, the file was offered for download by the IP Address on May 5, 2011.

address associated with the account was an apartment located on East Main Street in Jefferson Valley, New York (the "Address"), a property with multiple residences. The email address associated with the account was damastrmynd@optimum.net.

16. I have reviewed criminal history records pertaining to the defendant, JONATHAN DELAURA, a/k/a "Jon Dulak." According to those records, on or about October 7, 2009, DELAURA was convicted, upon a guilty plea, of Sexual Misconduct: Engage in Oral/Anal Sexual Conduct Without Consent, in Bronx County Court. He was sentenced on December 16, 2009 to a term of six years' probation. I have also reviewed records of the New York State Sex Offender Registry and, according to those records, based on that conviction, the defendant was and still is registered with the New York State Sex Offender Registry, the defendant's victim was a 12 year old boy and the defendant used the screen names "riddlerboy" and "damastrmynd."

17. Based on my review of a report of a criminal investigator ("Investigator 1") with the Putnam County Sherriff's Department (PCSD), and conversations with Investigator 1, I understand that Investigator 1 met with a 15 year old boy (the "Victim") who recounted that in or about November 2011, he was contacted in an Internet chat room by a person claiming to be a 17 year old girl who was using the screen name "sillyrabbit." The Victim's profile indicated he was 15 years old. Thereafter, the Victim and "sillyrabbit" sent messages to each other and "sillyrabbit" sent the Victim two photographs, one depicting a penis and the other depicting a male buttocks. The Victim provided the photographs to Investigator 1. The Victim also disclosed that the Victim met "sillyrabbit" on two occasions, in Putnam County. On both occasions, "sillyrabbit" engaged in sexual activity with the Victim. The Victim told "sillyrabbit" that he was 15 years old. Thereafter, pursuant to the instructions of Investigator 1, the Victim arranged to meet with "sillyrabbit" on February 2, 2012, to engage in sexual activity. At the appointed time and place, a man subsequently identified as the defendant, JONATHAN DELAURA, a/k/a "Jon Dulak," arrived and was arrested by Investigator 1 and other PCSD officers.

18. According to Investigator 1's report and based on my conversations with Investigator 1, I understand that after his arrest, the defendant, JONATHAN DELAURA, a/k/a "Jon Dulak," made statements in which he admitted that he visited different chat rooms via the internet, had conversations that were sexual in nature with others, and that he sent photographs of a penis and buttocks to the Victim during one of these conversations. DELAURA also admitted that he engaged in sexual activity with the

Victim. He also admitted that he used the screen names "sillyrabbit," "damastrmynd," and "riddlerboy."

19. According to the report of Investigator 1, on or about February 8, 2012, Investigator 1 and other officers of the PCSD executed a search warrant, issued by a Town Justice for the Town of Putnam Valley, at the residence of the defendant, JONATHAN DELAURA, a/k/a "Jon Dulak," a cabin on the same property as the Address referred to in paragraphs 15 above. During the search, officers recovered, among other things, an iPod (the "iPod").

20. The iPod recovered during the search of DELAURO's residence was sent to the PCSD Forensic Identification Unit for examination. I spoke with the investigator ("Investigator 2") who examined the iPod and, according to Investigator 2, the iPod contained approximately 162 videos containing images of child pornography and approximately 5 still photos of images containing child pornography. In addition, the iPod had the name "riddlerboy" on its information screen, and contained photographs of the defendant as well as the two photographs of the penis and buttocks that were sent to the Victim.

21. I forwarded screen shots from some of the videos contained on the iPod to the National Center for Missing and Exploited Children ("NCMEC"). Based on information provided to NCMEC from other law enforcement agencies, three of the videos depicted children who are known victims. One video came from outside of the country and two came from outside of New York. All three have been transmitted over the Internet.

22. Finally, I viewed some of the videos on the iPod. Based on my review, I know that one video, entitled "Dads Teaching their Little Boys to Jack, Suck, Fuck, Cum (Compilation of Scenes)- p101 Gay Son Luto Gdbs Yamad Bibcam.mpg," contains numerous scenes. In one scene, a nude boy, who appears to be prepubescent, is lying on his stomach on a bed, with his hands and feet tied behind his back with what appears to be rope. An adult male is standing in front of him and inserting his penis into the boy's mouth. In another scene, an adult male performs oral sex and anally penetrates a nude boy, who appears to be prepubescent. In another scene, a nude boy, who appears to be prepubescent, is sitting in a chair tied up with what appears to be rope and an adult male inserts his penis into the boy's mouth.

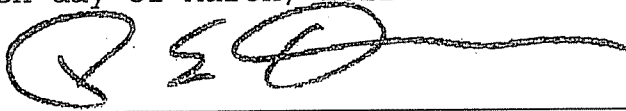
In another video, entitled "Mafiasex.Ru_Children_Kids_Hard_000003_Copy_01_16yo_Gets_Raped_Hymen_Visibly_Penetrated_Kiddy_Little_Girl_Young_Kiddyporn_Real_Child_Sex_Baby.mpg," an adult male is having vaginal sexual intercourse with a nude girl who looks like she could be a toddler.

WHEREFORE, deponent prays that a warrant be issued and that the defendant, JONATHAN DELAURA, a/k/a "Jon Dulak," 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
16th day of March, 2012



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK