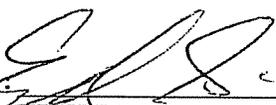


Approved:  **12 MAG 1294**
EDWARD B. DISKANT
Assistant United States Attorney

Before: THE HONORABLE THEODORE H. KATZ
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA : COMPLAINT
: Violations of
- v. - : 18 U.S.C. §§ 2252A(a) (1),
: (a) (2) (B), (a) (5) (B).
JOSHUA CONDE, :
Defendant. : COUNTY OF OFFENSE:
: BRONX
----- x

SOUTHERN DISTRICT OF NEW YORK, ss.:

EMILY BOURNE, being duly sworn, deposes and says that she is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), Child Exploitation Group, and charges as follows:

COUNT ONE

(Transportation and Distribution of Child Pornography)

On or about April 18, 2012, in the Southern District of New York and elsewhere, JOSHUA CONDE, the defendant, knowingly did mail, and transport and ship using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, child pornography; and did receive and distribute materials that contained child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, CONDE transported and distributed files containing child pornography from a computer in the Bronx, New York, over the Internet via a file sharing program.

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

COUNT TWO

(Transportation and Distribution of Child Pornography)

On or about April 18, 2012, in the Southern District of New York and elsewhere, JOSHUA CONDE, the defendant, knowingly did mail, and transport and ship using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, child pornography; and did receive and distribute materials that contained child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, CONDE transported and distributed files containing child pornography from a computer in the Bronx, New York, over the Internet via a file sharing program.

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

COUNT THREE

(Transportation and Distribution of Child Pornography)

On or about May 7, 2012, in the Southern District of New York and elsewhere, JOSHUA CONDE, the defendant, knowingly did mail, and transport and ship using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, child pornography; and did receive and distribute materials that contained child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, CONDE transported and distributed files containing child pornography from a computer in the Bronx, New York, over the Internet via a file sharing program.

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

COUNT FOUR

(Possession of Child Pornography)

From at least on or about April 18, 2012 through on or about May 16, 2012, in the Southern District of New York and elsewhere,

JOSHUA CONDE, the defendant, knowingly did possess and access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material that contained 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, CONDE possessed on a computer in the Bronx, New York, files containing child pornography.

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

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

1. I have been a Special Agent with HSI for approximately five years and have been assigned to the Child Exploitation Group since April 2009.

2. I have participated 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

3. 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

THE INVESTIGATION

4. From my review of documents, interviews with witnesses, and own investigation I know the following;

a. In or about October 13, 2011, I began an investigation of a publicly available peer-to-peer file sharing network looking to identify individuals who were sharing child pornography. I identified a user of the network connecting to the internet using the IP address 108.6.57.108 (the "IP Address") who appeared to be making numerous files containing child pornography available for sharing.

b. I downloaded several files from the user who was using the IP Address (the "Downloaded Files").

c. Further investigation of the IP Address revealed that it was used by a subscriber of Verizon.

d. A subpoena was subsequently issued to Verizon, requesting subscriber information for the IP Address on the dates and times that I observed the user making child pornography available for sharing.

e. In response, Verizon reported IP Address was registered to an individual ("INDIVIDUAL-1") at an address on Morrison Avenue in the Bronx.

f. I subsequently reviewed building and government records which revealed that INDIVIDUAL-1 lived at that address but in a different apartment than that listed in the Verizon subscriber records (the "APARTMENT"). Additionally, I spoke with members of the New York City Police Department and the U.S. Postal Service who were able to independently confirm that INDIVIDUAL-1 lived in the APARTMENT.

5. On or about May 16, 2012, I, along with other investigators, executed a search warrant at the APARTMENT. JOSHUA CONDE, the defendant, was at the APARTMENT when the warrant was executed. Law enforcement agents seized and searched CONDE's computer (the "COMPUTER"). A preliminary search of the COMPUTER revealed numerous images and videos of child pornography, including:

a. A file named "R@Ygold Pthc New-Vicky-Cumshock.mpg" which depicts a prepubescent girl performing oral

sex on an adult male.

b. A file named "(Pthc) !!!New 0607!!! Moscow-4 Vhs 4 (Dvd Quality).avi" which depicts three prepubescent girls engaging in various sexual acts, including oral, vaginal, and anal sex, with an adult male.

c. A file named "Vicky 10Yo Anal Pumped (33m52S).mpg" which depicts a prepubescent girl engaging in various sexual acts, including oral sex and anal sex, with an adult male.

6. On or about May 16, 2012, I along with another investigator from DHI interviewed CONDE. During the interview, CONDE stated, in sum and substance, that he lived in the APARTMENT with his INDIVIDUAL-1 and that he was the owner and primary user of the COMPUTER. CONDE further stated that he had file-sharing software on the COMPUTER, that he downloads pornographic materials from the internet, and that we would find child pornography on an external hard drive attached to the COMPUTER. CONDE also stated that he was familiar with search terms including "Vicky" "PTHC" and "pedo." Based on my training and experience, I know that these terms are used to describe child pornography and are used by and familiar to those who possess and distribute child pornography.

7. I have reviewed several of the Downloaded Files transferred to me, in my investigative capacity, from a computer using that IP Address to connect to the internet and have confirmed that they depict minors engaging in sexually explicit conduct. Specifically:

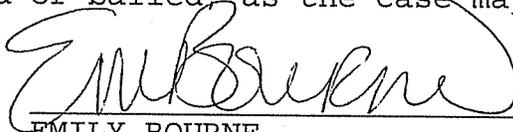
a. The file "PTHC pedo 2011 11yo http_video.mail.ru-broadcastANHO_5@5520_OBO 8 _:8A0 2011 01 29 10434.avi" downloaded on April 18, 2012 at 08:42:08 AM depicts two prepubescent girls, one whom spreads her legs, exposing her genitals to the camera.

b. The file "PTHC pedo 2011 14yo www.vichatter.net_0132.avi" downloaded on April 18, 2012 at 08:43:15 AM depicts an adult male inserting multiple different objects into the vagina and anus of a naked prepubescent girl.

c. The file "Pthc 2011 assfuck 10yo_CAT_Goddess_3.avi" downloaded on May 7, 2012 at 06:41:35 PM, depicts a prepubescent girl removing her clothing and engaging in oral and anal intercourse with an adult male.

8. Based upon my training and experience, I know that the minors engaging in sexually explicit conduct in these images were, in fact, minors, at the time the photographs were taken.

WHEREFORE, deponent asks that, JOSHUA CONDE, the defendant, be imprisoned or bailed, as the case may be.



EMILY BOURNE
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Sworn to before me this
16th day of May 2012

THE HONORABLE THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK