

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

UNITED STATES OF AMERICA

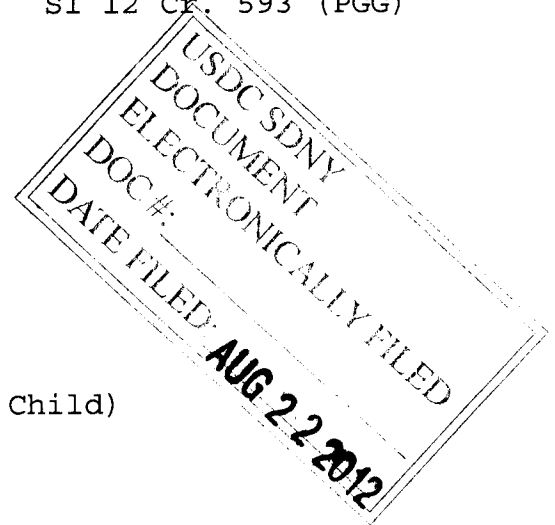
- v. -

JOSHUA CONDE,

Defendant.

----- x

:
: SUPERSEDING
: INDICTMENT
:
: S1 12 Cr. 593 (PGG)



COUNT ONE

(Sexual Exploitation of a Child)

The Grand Jury charges:

1. From in or about January 2010 to in or about May 2012, in the Southern District of New York and elsewhere, JOSHUA CONDE, the defendant, knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, and which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and which visual depiction was actually transported and transmitted using any means and facility of interstate and

foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, CONDE induced a minor who was between 10 to 12 years old during the relevant time period, to engage in sexually explicit conduct and to take photographs of such conduct using a device manufactured outside of the state of New York, and to transmit those photographs, via text message, to CONDE.

(Title 18, United States Code, Sections 2251(a) and 2.)

COUNT TWO

(Transportation and Distribution of Child Pornography)

The Grand Jury further charges:

2. 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)

The Grand Jury further charges:

3. 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 FOUR

(Transportation and Distribution of Child Pornography)

The Grand Jury further charges:

4. 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 FIVE

(Possession of Child Pornography)

The Grand Jury further charges:

5. 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).)

COUNT SIX

(Possession of Child Pornography)

The Grand Jury further charges:

6. In or about May 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 an external hard drive in the Bronx, New York, files containing child pornography.

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

COUNT SEVEN

(Possession of Child Pornography)

The Grand Jury further charges:

7. In or about May 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 an external hard drive in the Bronx, New York, files containing child pornography.

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

COUNT EIGHT

(Possession of Child Pornography)

The Grand Jury further charges:

8. In or about May 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 an iPhone in the Bronx, New York, files containing child pornography.

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


FOREPERSON

Preet Bharara
PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSHUA CONDE,

Defendant.

SUPERSEDING INDICTMENT

S1 12 Cr. 593 (PGG)

(18 U.S.C. §§ 2251(a), 2252A(a)(1),
(a)(2)(B), 2252A(a)(5)(B), and 2.)

PREET BHARARA
United States Attorney.

A TRUE BILL


Foreperson.

8/22/12 - Filed superseding indictment.
de Judy Fox
USMP