
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Douglas E. Arpert
 :
 v. : Mag. No. 21-6044 (DEA)
 :
 JARED FAIRCLOTH : CRIMINAL COMPLAINT

I, John DeLaurentis, being duly sworn, state that 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 the Department of Homeland Security, Homeland Security Investigations, and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.

s/ John DeLaurentis

John DeLaurentis, Special Agent
Department of Homeland Security
Homeland Security Investigations

Attested to me by telephone,
pursuant to FRCP 4.1(b)(2)(A),

October 27, 2021, at
Trenton, New Jersey



HONORABLE DOUGLAS E. ARPERT
UNITED STATES MAGISTRATE JUDGE

RECEIVED
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DOUGLAS E. ARPERT
U.S. MAGISTRATE JUDGE

ATTACHMENT A

COUNT ONE

From in or about September 2020 to in or about July 2021, in Ocean County, in the District of New Jersey, and elsewhere, the defendant,

JARED FAIRCLOTH,

did knowingly receive and 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)(A) and Title 18, United States Code, Section 2.

COUNT TWO

On or about July 22, 2021, in Ocean County, in the District of New Jersey, and elsewhere, the defendant,

JARED FAIRCLOTH,

did knowingly possess and attempt to possess material that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), which had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and which images were produced using materials that had been mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer.

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

ATTACHMENT B

I, John DeLaurentis, am a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"). I have participated in this investigation, discussed this matter with other law enforcement officers, and have reviewed documents and other materials. Accordingly, I have personal knowledge of the facts set forth below. Because this criminal complaint is being submitted only for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. Rather, I have set forth only the facts that I believe are necessary to establish probable cause. Unless specifically indicated, all conversations and statements described in this complaint are related in sum and substance and in part, and all dates and figures are approximate.

1. At all times relevant to this Complaint, defendant JARED FAIRCLOTH ("FAIRCLOTH") resided in or around Cream Ridge, New Jersey.

2. In or around September 2020, law enforcement agents from HSI conducted an online investigation on the BitTorrent network, a publicly available online peer-to-peer ("P2P") file-sharing network, that is, a worldwide network of linked computers, for offenders sharing child sexual abuse material regarding the possible distribution, receipt, and/or possession of child pornography.

3. To access the BitTorrent network, a user must first download P2P software ("BitTorrent Software"), which is widely available for free on the Internet from numerous different companies and application designers. BitTorrent Software allows the user to place files into a designated "shared" folder on his or her hard drive, from which other BitTorrent users can then download those files directly to the "shared" folders of their own computers. The user may also search, select, and directly download into his or her "shared" folder files from the "shared" folders of other BitTorrent users. In general, computers or other electronic devices that access the Internet do so through a unique Internet Protocol ("IP") address assigned by an Internet Service Provider ("ISP"), which typically keeps records of the accounts associated with each assigned IP address.

4. From in or about September 2020 to in or about July 2021 (the "Relevant Period"), law enforcement used investigative BitTorrent file-sharing software to access the BitTorrent Network and downloaded multiple files containing images depicting child pornography from a device or devices assigned one of four IP addresses (the "Subject IP Addresses"). The files were downloaded from a "shared" folder on a device or devices using one of the Subject IP Addresses. Law enforcement's investigation revealed that at various times during the Relevant Period, the Subject IP Addresses were either associated with an ISP account registered to FAIRCLOTH's residence in Cream Ridge, New Jersey (the "Faircloth Residence") or assigned to a cell phone account subscribed in FAIRCLOTH's name.

5. Based on the investigation, law enforcement obtained a search warrant for the Faircloth Residence, which law enforcement executed on or about July 22, 2021. While executing the search of the Faircloth Residence pursuant to the search warrant, law enforcement seized and then searched, among other things, an LG cellular device found in FAIRCLOTH's bathroom (the "Cell Phone"). FAIRCLOTH was present at the time of the search and provided a voluntary statement to law enforcement. During that statement, FAIRCLOTH admitted, in sum and substance and among other things, that he was the only person with access to the Cell Phone, that he had viewed and downloaded images of child pornography from the Internet, and that some of those images of child pornography would be found on the Cell Phone.

6. Law enforcement transported the Cell Phone to an HSI facility and thereafter conducted a forensic analysis of the Cell Phone. The forensic analysis revealed, among other things, approximately 2,800 images and videos containing child pornography, including images and videos depicting prepubescent minors engaged in sexually explicit conduct. Law enforcement also discovered on the Cell Phone software necessary to access the BitTorrent network.

7. Of the approximately 2,800 image and video files containing child pornography, law enforcement identified at least 30 files that HSI had previously downloaded from a device assigned one of the Subject IP Addresses. Some of those files found on the Cell Phone included, for example, the following:

a. A file named "Kait_5Yo_Golden_Shower_On_Dad.wmv," which is a video file approximately five minutes and twenty-three seconds in duration. The video depicts a prepubescent female performing fellatio on an adult male penis. The female removes her bottoms so that she is completely nude. The female then gets on top of the male and begins to urinate on the male while the male continues to masturbate.

b. A file named "2012.mpeg," a video file approximately five minutes and fifty-four seconds in duration. The video depicts a prepubescent female performing fellatio on an adult male penis. Approximately one minute into the video, the female is shown on her back and is being vaginally penetrated by the adult male for the duration of the video.

c. A file named "!!! New !!! Gillian 4 Yo – Cumming in Mouth (Private) Kleuterkutje-Pthc.avi," a video file approximately one minute and thirteen seconds in duration. The video begins with a clothed, prepubescent female laying on her back in a shower. An adult hand appears and pulls down the female's stockings and then exposes and rubs her vagina. The video then changes to an adult male placing his penis into the female's mouth and masturbating until he ejaculates.

d. A file named "HMM – Lea set 12 Bondage Vid 1.MPG," a video file approximately four minutes and fifty-one seconds in duration. The video begins with a naked prepubescent female wearing only pink stockings, with her legs bound with rope. A hand appears and begins to rub the female's bare vagina. Then an adult male gets on top of the female and begins to masturbate until he ejaculates onto the female for the duration of the video.

8. To date, law enforcement's analysis also has determined that some of the 2,800 files found on the Cell Phone were created and stored in the downloads folder on the Cell Phone during the Relevant Period.

9. Based on FAIRCLOTH's admission that the images and videos were downloaded from the Internet, the presence of some of the images and videos in the downloads folder of the Cell Phone, my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge and belief, the images and videos described above were transported and transmitted in interstate commerce and were transported and transmitted using any means and facility of interstate and foreign commerce, including by computer.

10. In addition, based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the images and videos described above were produced using materials that were mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer.