

Approved:



PATRICK EGAN
Assistant United States Attorney

ORIGINAL

Before: HONORABLE JAMES L. COTT
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA

: COMPLAINT

- v. -

: Violations of
18 U.S.C. §§

SAMUEL WALDMAN,

: 2252A(a) (1), (2) (B) and
5 (B);

Defendant.

COUNTY OF OFFENSE:

: New York

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SOUTHERN DISTRICT OF NEW YORK, ss.:

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

COUNT ONE

(Transportation and Distribution of Child Pornography)

1. On or about November 1, 2013, in the Southern District of New York and elsewhere, SAMUEL WALDMAN, 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, WALDMAN transported and distributed files containing child pornography to a computer in Manhattan over the Internet via a file sharing program.

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

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

2. I am a Special Agent with HSI and am currently assigned to a unit that investigates, among other things, violations of criminal law relating to the sexual exploitation of minors. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with other law enforcement agents and witnesses, and my examination of reports and records. Because this affidavit is submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my personal participation in the investigation of this matter, I have learned the following:

a. In the fall of 2013, I participated in an investigation seeking to identify individuals who were sharing child pornography on several publicly available peer-to-peer ("P2P") file sharing networks.

b. On or about November 1, 2013, a computer located in Manhattan operated by law enforcement (the "Law Enforcement Computer") established a direct connection with a computer that was connected to the Internet (the "Host Computer") and identified several images of what appeared to be child pornography on the Host Computer. After establishing this direct connection, the Law Enforcement Computer downloaded the following files that the Host Computer was making available for download through P2P software:

i. A file containing a video approximately 7 minutes and 8 seconds long, which has several clips depicting different minor females, between the ages of approximately four and eleven years of age, performing oral sex on older adult males. The clips also depict anal and vaginal penetration between older adult males and young girls who appear to be between the ages of four and eleven years old.

ii. A file containing a video approximately 16 seconds in length, which depicts a nude pre-pubescent male laying on his back with an erect penis being masturbated by another unknown person until the child ejaculates.

iii. A file containing a video approximately nine minutes and forty-five seconds in length, which depicts a male child, approximately ten to twelve years of age, undressing for the camera. Once undressed, the boy masturbates and penetrates his anus with his fingers for the remainder of the video.

c. Investigative software on the Law Enforcement Computer was able to identify the Internet Protocol address (the "IP Address") of the Host Computer¹ as well as the Internet Service Provider (the "ISP") associated with the IP Address.

4. I have reviewed records from the ISP and have learned, among other things, that the IP Address was subscribed to an individual ("Witness-1") at an address on East 8th Street in Brooklyn (the "Brooklyn Address").

5. On or about March 3, 2014, law agents went to the Brooklyn Address and spoke with Witness-1. From my conversation with those agents, I have learned among other things, the following:

a. Witness-1 is married to SAMUEL WALDMAN, the defendant.

b. WALDMAN lives at the Brooklyn Address.

6. On or about March 5, 2014, I, along with other investigators, and other investigators executed a search warrant at the Brooklyn Address. WALDMAN was present when the warrant was executed. During the execution of the search warrant, I and other investigators interviewed WALDMAN who stated, in substance and in part, the following:

a. WALDMAN does download child pornography and has for several years.

b. WALDMAN uses P2P software to download child

¹Based on my training and experience, I have learned that every computer or device on the Internet is referenced by a unique IP Address the same way every telephone has a unique telephone number. Each time an individual accesses the Internet, the computer from which that individual initiates access is assigned an IP Address. A central authority provides each Internet Service Provider ("ISP") a limited block of IP Addresses for use by that ISP's customers or subscribers. The IP address can be used to locate the physical location of the computer or network that is assigned that IP address.

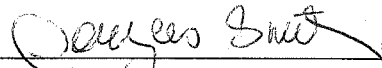
pornography. WALDMAN typically keeps it on his computer for a couple of days and then deletes it.

c. WALDMAN acknowledged that, at one time, he possessed the files described above.

d. WALDMAN acknowledged that on the P2P software he uses, he is able to see when others are downloading files from his computer.

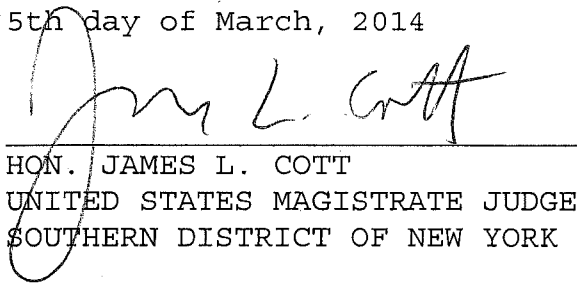
7. Based on the foregoing, I placed SAMUEL WALDMAN, the defendant, under arrest.

WHEREFORE, deponent prays that the defendant be imprisoned, or bailed, as the case may be.



DOUGLAS SMITH
Special Agent
Homeland Security Investigations

Sworn to before me this
5th day of March, 2014



HON. JAMES L. COTT
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK