

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
)
 v.)
) CASE NO. 1:09CR43 (TSE)
 JEFF ROSATO,)
)
 Defendant.)

STATEMENT OF FACTS

Had this matter gone to trial, the United States would have proved the following beyond a reasonable doubt through witnesses, testimony, and other competent and admissible evidence:

An investigation of “Mr. X” and subsequent forensic analysis of “Mr. X’s” computer revealed that “Mr. X” had been using Google Hello as a means to distribute child pornography using the internet. Specifically, between January 2, 2008 and January 23, 2008, during the course of more than 15 online chats, “Mr. X” distributed more than 600 files containing graphic images and movies of child pornography to an undercover detective that “Mr. X” believed was a 13-year-old boy.

The forensic analysis of “Mr. X's” home computer also revealed other Google Hello users with whom “Mr. X” had been actively trading child pornography. Utilizing the Hello program, computer forensic examiners from the Department of Justice’s Child Exploitation and Obscenity Section High Tech Investigative Unit were able to recover the communications contained within the chat log and filmstrip files found on “Mr. X's” computer. A review of these files revealed numerous communications pertaining to the sexual exploitation of children and the

distribution and receipt of digital images of child pornography. More specifically, many of these files contained thumbnail images of the full size images that were distributed and received during each chat conversation. The chat logs also contained application messages that were generated by the Hello program. The application messages were inserted into the chat log as application events occurred. Application messages included date and time of the communication, text identifying the number of images sent by each user during the communication as well as the total number of images sent. Many of the images found within the chat conversations involved visual depictions of minors engaged in sexually explicit conduct.

The forensic examiners also located two files named "friends" in two file paths. These files contained the user identification number, handle (nickname) and email address for some of the Hello users that had communicated with "Mr. X." The UID numbers listed in the friends.xml files were the same UID numbers used to label the folders that contained the chat log and filmstrip files.

As a result of their analysis, the forensic examiners from the Department of Justice's Child Exploitation and Obscenity Section High Tech Investigative Unit created a list of Google Hello users that had been identified as having chatted with and exchanged child pornography with "Mr. X." One such user was identified as Defendant.

A February 25, 2007 chat between Defendant and "Mr. X" included discussions related to the receipt of child pornography images, thumbnails of child pornography, and application messages identifying the total number of images exchanged and the number of images sent by each participant.

Specifically, during the February 25, 2007 chat, Defendant received 139 images from "Mr. X." Many of these images also contain child pornography. For example, one of the images sent by "Mr. X" shows a boy approximately 10 years old masturbating.

Based on this information, on November 4, 2008, a federal search warrant was obtained for Defendant's residence from a magistrate judge in the Eastern District of Virginia. The warrant authorized the seizure of, among other things, "any computer, computer system and related peripherals" in order to search for images of child pornography.

Pursuant to the search warrant, on November 7, 2008, agents from the Federal Bureau of Investigation seized, among other things, four laptop computers, one desktop computer, and two external hard drives from the defendant's residence. A forensic review of Defendant's computer equipment revealed thousands of images of child pornography and child erotica, and several movies containing child pornography and child erotica. Many of the images and videos depict minors engaged in sexual acts.

The child pornographic images that Defendant received via the Internet depicted a number of known child victims of sexual exploitation engaging in sexually explicit conduct. These images and videos are known to have been created outside of the Commonwealth of Virginia.

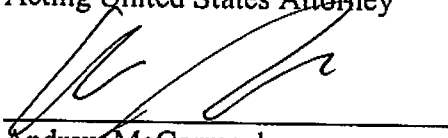
All of the visual depictions of minors engaging in sexually explicit conduct received by Defendant had been shipped and transported in interstate or foreign commerce by various means, including by computer transmission and/or were stored on or produced using materials that had traveled in interstate and foreign commerce.

In all instances described above, Defendant received visual depictions of minors engaging in sexually explicit conduct knowingly and intentionally and not by accident or mistake.

Respectfully submitted,

Dana J. Boente
Acting United States Attorney

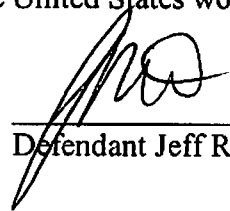
By:



Andrew McCormack
Special Assistant United States Attorney

Defendant's Signature: After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, Jeff Rosato, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

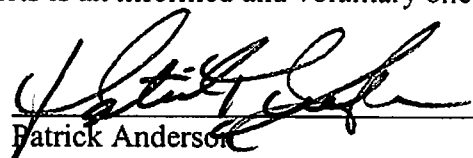
Date: 1/29/2009



Defendant Jeff Rosato

Defense Counsel Signature: I am counsel for the defendant, Jeff Rosato, in this case. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Date: 29. Jan. 09



Patrick Anderson
Counsel for Defendant