

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO: 07-184
v.	*	SECTION: "K"
DANNY DAUGHERTY	*	VIOLATION: 18 U.S.C. § 2251(a)
	*	18 U.S.C. § 2252(a)(4)(B)
	*	
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F A C T U A L B A S I S

Should this matter proceed to trial, both the government and the defendant, **DANNY DAUGHERTY**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the government would prove the following beyond a reasonable doubt at trial:

The government would show that at all times mentioned in the indictment, the defendant, **DANNY DAUGHERTY**, was a resident of the Eastern District of Louisiana living in Slidell, Louisiana.

The government would present evidence that on May 8, 2007, officers from the St. Tammany Parish Sheriff's Office and Slidell Police Department executed a valid state search warrant, based on probable cause, for stolen property at **DANNY DAUGHERTY's** home located at 1154 St. Augustine Street, Slidell, Louisiana. During the execution of this warrant, Detective Sergeant Bobby

Juge (Sgt Juge) found, in plain view, images depicting the sexual victimization of children in a red folio. Several of the images had been printed from a computer. Sgt. Juge would testify that **DAUGHERTY** admitted to Sgt. Juge that the folio was his. Additionally, officers found a Hewlett Packard laptop computer on the desk in the office as well as a red Simple Tech external hard drive located in a duffel bag next to the desk. Officers would testify that during the search, **DAUGHERTY** attempted to access his laptop and was nervous and sweating while the officers searched the office area. Deputy Matt Lewis would testify that the defendant said that the duffel bag containing the Simple Tech hard drive was his and that he had just returned from offshore earlier that day. A representative from the defendant's employer, Murphy Oil, would testify that the defendant was offshore in the Gulf of Mexico from May 3, 2007, through May 8, 2007. **DAUGHERTY's** computer equipment was seized by local law enforcement in order to prevent the destruction of potential evidence and because they had probable cause to believe that the items contained evidence of child pornography.

Officers and federal agents with the Federal Bureau of Investigation (FBI) would testify that they obtained a federal search warrant for **DAUGHERTY's** computer equipment and an arrest warrant for **DAUGHERTY**. On May 9, 2007, FBI Task Force Officer Stanley Rabalais (TFO Rabalais) arrested **DAUGHERTY** for possession of child pornography.

Evidence and testimony would establish that a forensic search of **DAUGHERTY's** Hewlett Packard laptop computer and Simple Tech hard drive revealed approximately 50,000 images of child pornography.

FBI agents would testify that during their forensic search of the defendant's computer and hard drive they found approximately 5 images of child pornography that **DANNY DAUGHERTY**

had created with a digital camera and had saved to his Simple Tech hard drive. The FBI and local law enforcement officials were able to identify three victims living in the St. Tammany area. These digital images depicted three boys (hereinafter referred to as Victim 1, Victim 2, and Victim 3) engaged in lascivious sexually explicit conduct as defined in Title 18, United States Code, Section 2256.

The first photo, “Boy on Bed,” Count 1 of the indictment, depicts Victim 1 who was approximately 13 years of age when **DAUGHERTY** took the digital picture. The image depicts Victim 1 partially naked on **DAUGHERTY**’s bed. The boy appears to be asleep in the bed with his penis erect. His pants are pulled down and his shirt has been pushed up exposing his stomach. Victim 1 would testify that **DAUGHERTY** most likely took the picture while he was asleep or passed out.

The second series of photos, “Boy at Kitchen Counter,” Count 2 of the indictment, depicts Victim 2 who was approximately 13 years of age when **DAUGHERTY** took the digital pictures. The images depict Victim 2 posing naked in **DAUGHERTY**’s kitchen. The focus of the image is on the victim’s pubic area and shows the boy without his shirt as the boy is pulling his pants down revealing his pubic hair and penis. Victim 2 would testify that **DAUGHERTY** gave him twenty dollars and a military knife to pose for these pictures.

The third series of photos, “Boy in Convertible,” Count 3 of the indictment, depicts Victim 3 who was approximately 14 years of age when **DAUGHERTY** took the digital pictures. The images depict Victim 3 driving **DAUGHERTY**’s sports car. The images show Victim 3’s shirt unbuttoned and an adult male’s hand pulling down Victim 3’s pants and underwear revealing the boy’s pubic area and penis. The focus of two of the images is on Victim 3’s pubic area. Victim 3

would testify that **DAUGHERTY** allowed him to drive his car and that while seated in the driver's seat **DAUGHERTY** must have taken the pictures.

The government would present evidence that the images of child pornography of the three victims were produced by **DANNY DAUGHERTY** using digital cameras and computers and that he stored these images on his Simple Tech hard drive.

In addition, forensic evidence consisting of expert medical testimony, law enforcement officers, and supporting documentation would establish that some of the child victims depicted in the images possessed by **DAUGHERTY** were of real, identifiable victims, less than the age of eighteen (18) at the time the child pornography was created. Testimony would establish that many of the child victims depicted in the materials possessed by **DAUGHERTY** were of prepubescent children less than 18 years of age; to wit: less than twelve (12) years old and that the images of the child victims were engaged in "sexually explicit conduct" as defined in Title 18, United States Code, Section 2256. Further, testimony and evidence would establish that many of the images possessed by **DAUGHERTY** depicted children being anally penetrated by adults and/or engaged in oral sex with adults.

Further the government would introduce all of the images of child pornography possessed and produced by the defendant through the testimony of FBI agents, local law enforcement officers, and a FBI computer forensic examiner. Further, the government would present evidence that would establish that the images of child pornography had been transported in interstate and foreign commerce via computer.

Additionally, the government would show through testimony and documentary evidence that the equipment used by the defendant to acquire, produce, and store the child pornography was

transported in interstate or foreign commerce. The government would show through testimony and documentary evidence that the equipment (computers, hard drives, and cameras) used by **DAUGHERTY** to produce the child pornography were all manufactured outside of the State of Louisiana and were transported in interstate or foreign commerce. The government would introduce evidence that in May 2007, **DAUGHERTY** transported child pornography in interstate or foreign commerce by transporting computer equipment containing digital images depicting the sexual victimization of children offshore with him into the Gulf of Mexico and then returned with those items when he re-entered Louisiana.

DANNY DAUGHERTY
Defendant

DATE

GARY SCHWABE
Counsel for Defendant

DATE

BRIAN M. KLEBBA
Assistant United States Attorney

DATE

JULIA K. EVANS
Assistant United States Attorney

DATE