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# INTERNET CRIMES AGAINST CHILDREN: A MATRIX AND SUMMARY OF MAJOR FEDERAL AND SELECT STATE CASE LAW

*A Report Prepared by the Federal Research Division,  
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## PREFACE

This report is the third in a series of reports prepared by the Federal Research Division for the National Institute of Justice (NIJ) on Internet crimes against children. It provides, in chart and narrative form, a summary of the findings of major cases on this topic that have been adjudicated in federal and select state courts. The states selected—California, Connecticut, Florida, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, and Pennsylvania—were chosen, in consultation with NIJ, because they have enacted major legislation. In a separate report prepared in July 2009—*Internet Crimes Against Children: A Matrix of Federal and Select State Laws*—researchers identified and summarized the major provisions of federal and select state laws that impose civil and criminal sanctions against persons convicted of Internet-related crimes. Using the July 2009 study and searching the *Lexis* database using key search terms and their derivatives, researchers linked the federal and state laws with major federal and state court decisions to compile this report.

This report describes how the key statutory terms used to define child pornography, including “visual depiction” and “identifiable minor,” have been interpreted by the courts both in initial verdicts and in sentencing. The researchers also examined court decisions regarding the use of electronic communications devices, including the Internet, computers, and cellular phones, for purposes of soliciting children for sexual activity. The researchers also reviewed recent trends in law enforcement tactics as they are used in collecting evidence, the efficacy of appeals, and trends in sentencing. The report concludes with a comparison of state and federal case outcomes.

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## INTRODUCTION

In an effort to determine how federal and state statutes imposing civil and criminal penalties for Internet crimes against children have been interpreted by the courts, and how effectively they have been enforced, this study analyzes federal and state case law adjudicated pursuant to these statutes. Relevant laws and cases have been grouped into several sub-topics: solicitation, child pornography, and harassment and bullying.

Researchers initially identified relevant federal and state statutes and linked these statutes to federal and state cases using key search terms and their derivatives. The search terms that are used include: bullying, cell phone, child pornography, computer, harassment, Internet, Internet Service Provider (ISP), luring, minor, obscenity, and solicitation. The researchers searched cases involving electronic communication devices such as the Internet, computers, and cellular phones because these devices can send and receive electronic content, including text, images, and video.

## FEDERAL STATUTES AND CASES

### Definitions

*18 U.S.C. § 2256: Definitions for Chapter 110 — Sexual exploitation and other abuse of children (Sections 2251–2260A)*

According to 18 U.S.C. § 2256 (8), “child pornography” is defined as “any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; (B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” 18 U.S.C. § 2256 (5) defines “visual depiction” to include “undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image.” 18 U.S.C. § 2256 (9) (A) defines an “identifiable minor” as “a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature.” This definition “shall not be construed to require proof of the actual identity of the identifiable minor.” (18 U.S.C. § 2256 (9) (B)). 18 U.S.C. § 2256 (1) defines a “minor” as “any person under the age of eighteen years.”

The current statutory definition of “child pornography” amends the terms used to define “visual depiction” that were previously stipulated in the Child Pornography Prevention Act of 1996 (CPPA), Pub.L.No. 104-208, 110 Stat 3009, 3009-26. Under the CPPA (18 U.S.C. § 2256(8) (B)), a visual depiction that “is, **or appears to be**, of a minor engaging in sexually explicit conduct” qualifies as child pornography. Also under the CPPA, 18 U.S.C. § 2256 (8) (D) stipulates that child pornography is any visual depiction that “is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.”

In 2002 the U.S. Supreme Court, in *Ashcroft v. Free Speech Coalition* (535 U.S. 234), ruled that U.S.C. § 2256 (8)(B) effectively banned a range of sexually explicit images known as “virtual child pornography” that appear to depict minors but are actually produced without using any children. The Court, affirming the Ninth Circuit opinion, also found that Section 2256 (8) (B) of the code was overbroad in that it banned material that would not be prohibited under *Miller v. California*, 413 U.S. 15, the 1973 U.S. Supreme Court decision that defines prohibited pornography. Following the *Ashcroft* decision, legislation—the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003, Pub.L.No. 108-21, 117 Stat 650—was enacted to strike the text of U.S.C. § 2256 (8) (D) in its entirety. The 2003 law also amended the definition of “visual depiction” in U.S.C. § 2256 (8)(B), dropping the phrase “appears to be” and clarifying that under this section of the code, a visual depiction is “a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually conduct.”

Research found one case questioning the constitutionality of 18 U.S.C. § 2256. In *U.S. v. John Hotaling*, 1:07-CR-580, 599 F. Supp. 2d 306 (2008), the defendant claimed his right to free speech was violated when the court ruled that morphed pictures (pictures of actual minors placed on bodies of individuals engaged in sexual activity) were illegal. The court determined that even if no child actually engaged in the sexually explicit conduct, the possession of morphed images

of child pornography is illegal. As the result of “morphing” a picture, the defendant created a sexually explicit image using an innocent image of a child.

### **Solicitation**

#### *18 U.S.C. § 1470: Transfer of obscene material to minors*

According to 18 U.S.C. § 1470, using the mail or any means of interstate or foreign commerce to knowingly transfer obscene material to an individual under the age of 16 is punishable by not more than 10 years of imprisonment and a fine, or both.

A review of federal appeals cases found three statutory challenges to convictions or indictments under this section of the code. All three appeals reviewed were argued on the grounds that communication with an undercover law enforcement officer portraying a minor was not a violation of the law because there was no actual minor involved. All three judgments were affirmed. In each case, the courts decided that although there was no actual minor victim, the defendant intended to entice a minor and therefore violated the statute.

#### *18 U.S.C. § 2422: Coercion and enticement*

According to 18 U.S.C. § 2422 (b), knowingly using the mail or any means of interstate or foreign commerce to persuade, induce, entice, or coerce someone who has not attained the age of 18 years for an illegal sexual activity is punishable by fine and imprisonment of not less than 10 years or for life.

Research identified 21 appeals cases reviewed under this section of the code. Defendants appealed in 19 of the cases, and the government appealed in the other two. The conviction or guilty plea was upheld in every appeal brought by a defendant. In the two government appeals, the government convinced the court to reverse lower court decisions that had favored the defendants. Five of the appeals, including one government appeal, were argued on the grounds that an actual minor, not an undercover law enforcement officer portraying a minor, was necessary for a conviction under the statute. The court held that 18 U.S.C. § 2422 did not require that the intended victim be an actual minor as long as the defendant believed he was communicating with a minor. The U.S. Court of Appeals for the Eleventh Circuit reviewed eight of 21 of these appeals. No other circuit court reviewed as many appeals. In 14 of the 21 cases,



defendants were apprehended as a result of evidence gained by law enforcement officers portraying minors in Internet chat rooms, instant messaging, or email.

Although freedom of speech generally is still protected, speech to a minor, or someone believed to be a minor, that is intended to entice or seduce is not protected. Using instant messaging, email, text messages, or chatting in chat rooms to entice a minor, or someone believed to be a minor, constitutes substantial steps toward commission of a crime. In *U.S. v. Helder* the court noted that the Internet is a facility of interstate commerce.<sup>1</sup>

#### *18 U.S.C. § 2257: Record-keeping requirements*

According to 18 U.S.C. § 2257, after November 1, 1990, anyone producing books, magazines, film, videotape, digital images, or digitally or computer-manipulated images containing one or more visual depictions of actual human beings engaged in sexually explicit conduct is required to keep records of performers' names and dates of birth. Producing is defined as the actual filming or creating of a digital image or computer-manipulated image of an actual human being. The penalty for violating 18 U.S.C. § 2257 is imprisonment for not more than five years and a fine, or both. Repeat offenders may be imprisoned at least two years but not more than 10 years and fined, or both.

Two appeals under this section of the code successfully challenged the statute's requirements. In one case, distributors successfully argued that they did not create the content in question and should not be required to keep performers' names and age information. In a similar case, the court enjoined the attorney general from enforcing the statute and regulations against the distributor, producer, and association members to the extent they did not have direct contact with performers. In two other appeals, the courts affirmed the sentences imposed.

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<sup>1</sup> *United States of America, Appellant, v. Jan P. Helder, Jr., Appellee*, No. 05-3387, U.S. Court of Appeals for the Eighth Circuit.

## Child Pornography

*18 U.S.C. § 2251: Sexual exploitation of children*

*18 U.S.C. § 2252: Certain activities relating to material involving the sexual exploitation of minors*

18 U.S.C. § 2251 and § 2252 address crimes concerning child pornography and material involving the sexual exploitation of minors. Violations of 18 U.S.C. § 2252 and § 2252A are punishable by fine and prison terms of not less than five years and not more than 20 years, unless upward or downward departures are deemed appropriate. The same penalty is applied for violations of 18 U.S.C. § 2251, except that the base sentencing range is 15 to 30 years. Most defendants convicted of violating these two statutes received sentences within these ranges. For more information about sentencing, please see the “Trends” section below.

## Harassment/Bullying

*47 U.S.C. § 223: Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications*

Knowingly using a telecommunications device in interstate or foreign communications to transmit child pornography or obscene comments, images, or requests to someone known to be under 18 years of age is illegal. In addition, using a telecommunications device with the intent to annoy, threaten, or harass is illegal.

Research identified no cases at the federal level involving the use of the Internet to harass or bully minors.

## Trends

Law enforcement personnel have been successful in apprehending and prosecuting persons who solicit minors via electronic communication. Appeals by defendants convicted of solicitation in federal court have had limited success. Every appeal challenging 18 U.S.C. § 2422 affirmed judgment against the defendant or reversed a lower court ruling in favor of the defendant.

Law enforcement officials can build a case against a predator and ask Internet service providers (ISPs) to provide information under 42 U.S.C. § 13032—Reporting of child

pornography by electronic communication service providers. There were several cases in which 42 U.S.C. § 13032 was cited when evidence was introduced by ISPs to the National Center for Missing and Exploited Children (NCMEC), which receives information from various ISPs via NCMEC's "cyber tip line." NCMEC is a national clearing house that gathers information about missing and sexually exploited children for use by law enforcement. Title 42 U.S.C. § 13032 states that if an ISP becomes aware of facts or circumstances of apparent child pornography, the ISP must report those facts and circumstances to NCMEC's cyber tip line "as soon as is reasonably possible."

Research reviewed hundreds of federal child pornography cases, identifying more than 300 in which verdicts were reached and sentencing, the terms of which were not always stipulated, was imposed. Each of these crimes involved the use of a computer and/or the Internet, i.e., the defendant was charged with possessing images on his or her computer downloaded from the Internet, the defendant had participated in chat rooms or groups intended for people with an interest in children's sexuality, the defendant used file-sharing software to exchange child pornographic images, or the defendant had sent emails either requesting or offering child pornographic material. In one case, a couple was prosecuted for running a company providing computerized credit card verification services to Web masters hosting child pornography on their Web sites. The crime most frequently prosecuted was possession of child pornographic images or video files, occurring in more than 200 of the cases, followed by receipt of the images, which was a charge included in approximately 100 cases. Transport/shipping and distribution of child pornography were prosecuted in more than 50 cases, production in 30, and advertising in 10. The crime of sexually exploiting a minor was prosecuted in 20 cases.

Although the majority of defendants received sentences for child pornography charges in accordance with the penalties stipulated in 18 U.S.C. § 2251 and § 2252, the court imposed lengthy prison terms when it sentenced defendants to consecutive sentences rather than concurrent sentences for multiple counts. Defendants' sentences were also affected by other crimes for which they were charged, tried, and convicted. For example, a defendant's sentence would appear considerably longer than those sentences stipulated in 18 U.S.C. § 2251 and § 2252 if the defendant was, in addition to being convicted for possession, distribution, or production of child pornography, found guilty of sexual assault or convicted on firearm or drug

charges. Sentences were also substantially enhanced if the defendant was a repeat offender or otherwise found to present a threat to society.

Research identified one case in which the defendant received a life sentence—that defendant was also charged with firearm and drug violations—and two cases in which life sentences were initially imposed but were remanded for resentencing during the appeals process. A few defendants received long prison terms that, because of the defendants' ages, amounted to life terms, and several defendants received life terms of supervised release. Very few defendants received exceptionally short sentences from trial judges. The government inevitably appealed such sentences, and the appellate court typically vacated those sentences and remanded to the district court for resentencing.

Four defendants were ultimately acquitted of their convictions. The U.S. government appealed the sentences imposed in 19 cases. The appellate court vacated sentences and remanded for resentencing in 10 of those cases. In the other nine cases, the district courts' sentences were upheld at the appellate level, or, as in one case, a new trial was granted to a defendant when the appellate court dismissed two counts, despite the government's objections.

Defendants typically appealed their sentences and often their convictions as well, regardless of any stipulations in their plea agreements. The most common argument on appeal of convictions was that evidence should have been suppressed. Many defendants also made arguments on constitutional grounds, such as the effect of the U.S. Supreme Court 2002 decision in *Ashcroft v. Free Speech Coalition* (535 U.S. 234). Sentencing appeals often focused on rulings of *U.S. v. Booker*, 543 U.S. 220 (2005).

The Supreme Court ruling in *Ashcroft* affected a small number of cases identified in the course of this research. Only one defendant was able to succeed, on appeal, in having his verdict vacated and remanded for further proceedings. The defendant argued that the district court's jury instructions, which included the language "...or such visual depiction is, *or appears to be*, of a minor..." did not comply with *Ashcroft*, resulting in a jury conviction based on unconstitutional grounds.

*U.S. v. Booker* rendered Sentencing Guidelines advisory for all criminal cases and requires that sentences imposed at the district level be reasonable. Eight defendants cited the *Booker* decision when appealing their sentences. In only one case did the appellate court disagree with the defendant's argument and affirmed the district court's sentence. Other sentences were

also affirmed, but only after a remand had been ordered. In this review of cases, the researcher identified only two instances where the U.S. Supreme Court granted certiorari; one of those instances was granted because the Court thought the case should be reviewed to check for violations of *Booker*. The appellate court ultimately affirmed that sentence. In the other case, the defendant's sentence was reduced following a remand under *Booker*.

## STATE STATUTES AND CASES

### Solicitation

#### *California*

California Penal Code § 272(b) criminalizes the use of a telephone or the Internet to lure a child younger than 14 years of age away from his or her home or from any place where the parent or guardian believes the child is located. The crime is a misdemeanor if the perpetrator is 21 years of age or older. Research identified no cases prosecuted under this statute.

#### *Connecticut*

Conn. Gen. Stat. Ann. § 53a-90a criminalizes the enticement of a minor through the use of an interactive computer service to knowingly persuade, induce, entice, or coerce any person under 16 years of age to engage in prostitution or other sexual activity that would incur a criminal offense. Such a crime is a class D felony for the first offense, a class C felony for the second offense, and a class B felony for any subsequent offense. If the victim is younger than 13 years of age, the offense is a class B felony for the first offense, and is punishable by a term of imprisonment of which five years of the sentence may not be suspended or reduced. Any subsequent offense earns a sentence of which 10 years may not be suspended or reduced. Conn. Gen. Stat. Ann. § 53a-90b criminalizes as a Class C felony the misrepresentation of one's age in order to entice a minor. Research identified two cases prosecuted under § 53a-90a and none under 90b. The defendants in each case appealed, one taking his appeal to the U.S. Supreme Court, which denied certiorari. The other defendant petitioned to have his sentence reduced but was unsuccessful.

***Florida***

Fla. Stat. Ann. § 847.0135, known as the “Computer Pornography and Child Exploitation Prevention Act,” criminalizes in subsection (3)(a) the use of computer services or devices to seduce, solicit, lure, or entice (or the attempt to do so) a child or someone believed to be a child, or the legal custodian of that child to grant consent for the child to commit any unlawful sexual conduct. Such offenses are third-degree felonies, unless a person misrepresents his or her age, in which case the offense is a second-degree felony. Third-degree felonies are punishable by a term of imprisonment of no more than five years and a fine of no more than \$5,000. Second-degree felonies are punishable by a term of imprisonment of not more than 15 years and a fine of no more than \$10,000. Research identified six cases prosecuted under this statute. The defendants in all of those cases appealed their convictions and/or sentences. The convictions and sentences in all cases were affirmed at the appellate level; however, one defendant, arguing that his convictions on 15 counts violated the double jeopardy principle, succeeded in having one conviction reversed.

***Michigan***

Mich. Stat. Ann. § 750.145a criminalizes accosting, enticing, or soliciting a child less than 16 years of age, regardless of whether the actual age of the child is known, with the intention of inducing or forcing the child or individual believed to be a child, to commit an immoral act, submit to sexual intercourse or an act of gross indecency, or any other act of delinquency. Such crimes are felonies and are punishable by imprisonment for not more than four years, or a fine of \$4,000, or both. Research identified one case prosecuted under this statute.

Mich. Stat. Ann. § 750.145c(2), which addresses both solicitation and child pornography, criminalizes *persuading, inducing, coercing*, causing, or knowingly allowing a child to engage in child sexually abusive activity for the purpose of producing child sexually abusive material, as well as attempting, preparing, or conspiring to arrange for, produce, make or finance any child sexually abusive activity or material. Such felonies are punishable by imprisonment of not more than 20 years or a fine of not more than \$100,000 or both if the defendant knows the depiction included a child, if the material appears to include a child, or if no reasonable precautions were

taken to determine the age of the child in the depiction. Research identified six solicitation cases prosecuted under this statute.

Mich. Stat. Ann. § 750.145d criminalizes the use of the Internet or a computer, computer program, computer network, or computer system to communicate with the purpose of committing, attempting to commit, conspiring to commit, or soliciting another person to commit conduct proscribed under section 145c, in which the victim or intended victim is a minor or is believed by that person to be a minor. Because section 145c, as the underlying crime, is a felony punishable by a prison term of not more than 20 years, violations of section 145d are punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000, or both. Research identified six cases prosecuted under this statute.

Mich. Stat. Ann. Sections 750.145a and 145d are very similar except that § 750.145d is computer-specific and carries a much stronger penalty, with a maximum prison sentence of 20 years, as compared to four years.

Of the seven Michigan solicitation cases, two defendants pleaded guilty, four were convicted, and one case appears unresolved. All of these defendants appealed their convictions and/or sentences, except for one government appeal of a circuit court order affirming the district court's dismissal of two of three counts. In that case, the appellate court affirmed in part, reversed in part, and remanded the case for further proceedings. All defendants' convictions were affirmed in the appeals process. Only one sentence was remanded for resentencing; the others were all affirmed.

### *Missouri*

According to Mo. Rev. Stat. § 566.151, the punishment for using the Internet to entice a minor, which is a class D felony, is imprisonment of not less than five years and not more than 30 years. In addition, after conviction, five years must pass before the defendant is eligible for parole or probation. In Mo. Rev. Stat. § 566.083, using the Internet to entice a minor by transferring images of genitalia to a minor is a class D felony. Under these two statutes, a peace officer masquerading as a minor cannot be the basis for a defense challenge to the charges brought against him. In Mo. Rev. Stat. § 566.153, the state addresses actions undertaken by those trolling for information on children. Knowingly misrepresenting age with the intent to use the Internet to engage in criminal sexual conduct involving a minor is a class D felony.

Research identified several cases appealed relative to Mo. Rev. Stat. § 566, and in every instance the lower court's conviction was affirmed. In one case, the defendant argued that sexual misconduct must occur in the presence of a minor, not over the Internet. In two other cases, the defendants claimed the state did not have enough evidence to convict, but the court found that online communications with law enforcement personnel portraying minors was sufficient evidence to show intent.

### *New Hampshire*

According to N.H. Rev. Stat. Ann. § 649-B:4, a defendant can be charged with a class B felony for knowingly utilizing a computer or the Internet to seduce, solicit, lure, or entice a child or someone believed by to be a child for sexual contact. The crime is classified as a class A felony if the minor is under the age of 13 and is punishable by imprisonment for no less than 10 years and no more than 20 years. A maximum sentence of no more than 30 years may be imposed upon someone who is convicted two or more times for the same offense. According to N.H. Rev. Stat. Ann. § 649-B:4, a defendant cannot as a defense use the claim that the victim was not an actual child. In N.H. Rev. Stat. Ann. § 639:3, soliciting sexual activity or making visual representations of sexual activity with any child under the age of 16 is a class B felony. New Hampshire protects a minor's identifying information, such as name and address. In N.H. Rev. Stat. Ann. § 649-B:3, the statute makes creating, receiving, or transmitting a minor's identifying information, which can be used to identify and locate minors for enticement, a class B felony.

In two of the three New Hampshire solicitation cases reviewed, the court upheld convictions against defendant appeals. One of the two defendants' appeals claimed that there was insufficient evidence to prove he knew the victim was under age 16, but the court ruled that communications with the intended victim proved otherwise. In the state's appeal, the court agreed with the state that police testimony should be allowed because the detective's knowledge of the case was gained without illegal interception, as the defendant had argued. The police detective gained knowledge of the case through online conversations with the defendant while portraying a 14-year-old girl in an Internet chat room.



### *New Jersey*

In New Jersey, utilizing electronic communication devices to entice a child into a motor vehicle, building, or secluded area is a second-degree crime, according to N.J.S.A. 2C:13-6. This study did not identify any New Jersey solicitation cases using the stated search criteria.

### *New York*

According to New York Penal Law § 235.22, intentionally using a computer to transfer indecent material to a minor to induce a minor for sexual conduct or sexual contact is a first-degree class C offense. In the three New York state appeals cases related to this statute, the court denied one appeal based on a claim of vagueness in the statute, adding that the statute was not overly broad and served a compelling interest in preventing sexual abuse of children. In another case, a state appeal, the appellate court agreed with the state that sexually infused communication, with or without pornographic photographs, constituted dissemination of indecent material.

### *North Carolina*

N.C. Gen. Stat. § 14-202.3 criminalizes the solicitation of a child by computer. The offender must be older than 16 years of age, and the child must be younger than 16 and at least three years younger than the offender, or believed to be so. Such a crime is a Class H felony, unless the offender arranges to meet the victim and actually appears at the meeting location, in which case the violation is a Class G felony. Research identified one case prosecuted under this statute. The defendant appealed his conviction, arguing that the trial court committed a reversible error when it denied his request that the jury receive instruction regarding entrapment. The appellate court found no error, and his conviction was affirmed.

N.C. Gen. Stat. § 14-190.16 criminalizes as a Class C felony the transportation, recording, or inducing of a minor, or one's own child, for the purpose of producing a visual representation of sexual activity as part of a live performance. The statute stipulates that mistake of age is not a defense. Research identified one case prosecuted under this statute. The defendant appealed his convictions (defendant was found guilty on four of five counts of violating Section 14-190.16); the appellate court affirmed the trial court's denial of his motion to suppress

evidence but remanded his motion for appropriate relief to the trial court for an evidentiary hearing.

### *Pennsylvania*

In Pennsylvania, under 18 Pa. C.S. § 6318(b)(6), using a computer to communicate with a minor, or law enforcement officer posing as a minor, for the purposes of engaging in lewdness, obscene material and performance, sexual abuse, or sexual exploitation is a third-degree felony.

In five cases reviewed for solicitation in the Commonwealth of Pennsylvania, every defendant appeal was denied and judgment was affirmed. In three cases, the defendant argued that there was insufficient evidence to convict, but the court held that the intent to commit a crime was displayed by the sexual content of the communications with the intended victim. In another case, both the defendant and the state cross-appealed. The defendant was convicted, but the sentence was suspended with the understanding that the defendant would be extradited to his native country, India. The defendant appealed his conviction, claiming the court did not take into account his lack of a prior criminal record. The state appealed his suspended sentence. The appellate court affirmed the conviction and remanded the matter back to the lower court for resentencing.

### **Child Pornography**

#### *California*

California Penal Code § 311.1 prohibits the sale or distribution of obscene matter depicting a person under age 18 engaging in sexual conduct. Sending or causing to be sent or bringing or causing to be brought into the state for sale or distribution, or in the state possessing, preparing, publishing, producing, developing, duplicating, or printing any representation of information, data, or image (including but not limited to film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image) containing or incorporating any film or filmstrip, with the intent to distribute or exhibit, or exchange with others, or offering to do so, any obscene matter depicting a minor under age 18 personally engaging in or personally simulating sexual conduct is an

offense punishable by imprisonment in the county jail for up to one year, by a fine not to exceed \$1,000, or both; or by imprisonment in the state prison, by a fine not to exceed \$10,000, or both. Research identified two cases prosecuted under this statute.

California Penal Code § 311.2 criminalizes the production, distribution, or exhibition of obscene matter containing sexually explicit images of a person under the age of 18. The maximum penalty for violating sections of this statute is six years in the state prison and a fine of \$100,000. Research identified no cases prosecuted under this statute.

California Penal Code § 311.3 criminalizes the sexual exploitation of a child. The development, duplication, printing, or exchanging of any representation of information, data, or image (including but not limited to film, filmstrip, photographs, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image) containing or incorporating any film or filmstrip depicting a person under age 18 engaged in an act of sexual conduct is an offense punishable by a fine of not more than \$2,000 or imprisonment in county jail for not more than a year or both. Previous convictions under any section of section 311 are punishable by incarceration in the state prison. Research identified one case prosecuted under this statute.

California Penal Code § 311.4 criminalizes the employment of a minor in the sale or distribution of obscene matter or production of pornography. Subsection (a) prohibits hiring, employing, or using minors to do or assist in doing any acts described in Section 311.2, an offense punishable by imprisonment in the county jail of up to one year, a fine not exceeding \$2,000, or both. If the offender is a repeat offender, the sentence will be served in the state jail, and a fine not exceeding \$50,000 may be imposed. Subsections (b) and (c) prohibit (any person, including legal guardians) the promotion, employment, use, persuasion, inducement, or coercion of a minor under age 18 to engage in or assist others to engage in the posing or modeling alone or with others for purposes of preparing any representation of information, data, or image, including, but not limited to any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates any film, filmstrip, or live performance involving sexual conduct alone or with other persons or animals by a minor under the age of 18. Violating

subsection (b) is a felony punishable by imprisonment in the state prison for three, six, or eight years; and subsection (c) is also a felony. Penalties are enhanced if the minor is under the age of 14 at the time of the offense. Research identified one case prosecuted under this statute.

California Penal Code § 311.10 prohibits the advertisement of obscene matters depicting minors. The advertisement for sale or distribution of any obscene matter depicting a person under the age of 18 personally engaging in or personally simulating sexual conduct is a felony punishable by imprisonment in the state prison for two, three, or four years, or in a county jail not exceeding one year, or with a fine not exceeding \$50,000, or a combination of fine and imprisonment. Research identified one case prosecuted under this statute.

California Penal Code § 311.11 criminalizes the possession or control of any matter, representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film or filmstrip, matter depicting a person under the age of 18 years engaging in or simulating sexual conduct. The offense is a felony punishable by imprisonment for up to one year, a fine not exceeding \$2,500, or both. Anyone found guilty of previously violating the statute, or any offense requiring registration as a sex offender, or attempting to commit such offenses, may be punished by imprisonment for two, four, or six years. Research identified nine cases prosecuted under this statute.

Law enforcement and prosecution agencies involved in the investigation and prosecution of criminal offenses are statutorily protected from prosecution.

Seven defendants appealed their cases in California and only one of those cases was not fully affirmed; the court struck one count, and the case was remanded for resentencing. However, that defendant had received a 247-year prison term, reduced to 222 years after the one count was struck. In two cases, the government dismissed charges relevant to this study as part of defendants' plea agreements. Research identified no cases in which defendants were acquitted of their charges.

### *Connecticut*

Conn. Gen. Stat. Ann. Chapter 952 § 53a-196a criminalizes as a Class A felony the employment of a minor in an obscene performance. A person is guilty if he or she employs a minor or if he or she permits a minor to be employed in such a performance. Conn. Gen. Stat. Ann. Chapter 952 § 53a-196b criminalizes as a Class B felony the promotion of a minor in an obscene performance. Conn. Gen. Stat. Ann. Chapter 952 § 53a-196c criminalizes as a Class B felony the importation of child pornography. Conn. Gen. Stat. Ann. Chapter 952 § 53a-196d criminalizes as a Class B felony the possession in the first degree, or knowingly possessing 50 or more visual depictions of child pornography. Conn. Gen. Stat. Ann. Chapter 952 § 53a-196e criminalizes as a Class C felony the possession of child pornography in the second degree, or the possession of 20 or more images. Conn. Gen. Stat. Ann. Chapter 952 § 53a-196f criminalizes as a Class D felony the possession of child pornography in the third degree, or the possession of fewer than 20 depictions. A Class A felony carries a penalty of imprisonment of which 10 years of the sentence may not be suspended or reduced; in Class B felonies, five years of the sentence may not be suspended or reduced; in Class C felonies, two years may not be suspended or reduced; and in Class D felonies, one year of the sentence may not be suspended or reduced. Research identified two cases prosecuted under Chapter 952, one each under Sections 53a-196a and 196c. In each case, the defendant appealed the conviction, but the appeal was denied.

### *Florida*

Fla. Stat. § 847.011 criminalizes the ownership or distribution of material depicting a minor in any sexual act or conduct harmful to the minor. The offense is classified as a third-degree felony. Research identified no cases prosecuted under this statute.

Fla. Stat. § 847.012 criminalizes the use of a minor in a production of sexual material or the selling, renting, or loaning of materials containing sexual content to minors. The offense is classified as a third-degree felony. Research identified no cases prosecuted under this statute.

Fla. Stat. § 847.0137 criminalizes the transmission of child pornography through any medium, including the Internet, by use of any electronic equipment or device. A person commits a felony of the third degree if he or she sends child pornography to another person in the state or in another jurisdiction. A person outside of the state also commits a felony of the third degree if he or she sends child pornography to someone in the state. Third-degree felonies are punishable

by a term of imprisonment of no more than five years and a fine of no more than \$5,000. Research identified no cases prosecuted under this statute. One Internet child pornography case was prosecuted under Florida Statute § 827.071(3)<sup>2</sup>, charging that the defendant, a minor female, produced, directed, or promoted a photograph or representation known to include the sexual conduct of a child because she had emailed digital pictures of herself and her boyfriend engaged in sexual conduct.

### *Missouri*

Missouri statute Mo. Rev. Stat. § 573.025 stipulates that promoting, distributing, or transferring child pornography to a minor is a class A felony, and promoting child pornography is a class B felony. According to Mo. Rev. Stat. § 573.030, whoever promotes, produces, directs, or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet, or computer network is guilty of a second-degree class A misdemeanor if the person made the matter available to a specific individual known by the defendant to be a minor. The crime becomes a class D felony if the person has previously been found guilty of the same offense. Notably, the state does not require electronic communication services or remote computing services, such as an ISP, to monitor Internet use or content.

Of the five cases reviewed addressing child pornography in this state, only one defendant successfully appealed his conviction. The appellant proved that there was sufficient motive and opportunity for someone else to have taken the pornographic pictures. In the other four cases, the court affirmed judgment against the defendants.

### *New Hampshire*

According to N.H. Rev. Stat. Ann § 649-B:3, knowingly making, buying, selling, receiving, or transmitting a minor's identifying information, such as name, age, address, physical description, in order to facilitate or solicit sexual conduct of or with a child, or any visual depiction of such conduct, is a class B felony. This study did not identify any New Hampshire child pornography cases using the stated search criteria.

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<sup>2</sup> Fla. Stat. § 827.071 provides criminal penalties for persons promoting a sexual performance by a child under 18 years of age.

### *New Jersey*

According to N.J.S.A. 2C:24-4 b. (3), causing or permitting a child to perform a sexual act or simulation that will be photographed, filmed, or reconstructed on the Internet is a crime of the second degree. The same offense becomes a crime in the first degree if the parent or guardian of the child commits the offense. In N.J.S.A. 2C:24-4 b. (4), a person who photographs or films a child in a prohibited sexual act or simulation or uses a computer to reproduce or reconstruct the material is guilty of a crime in the second degree. Under N.J.S.A. 2C:24-4 b. (5) (a), a person who receives photographs, videotape, or a computer file of a child in a prohibited sexual act or simulation for the purpose of selling, transferring, or delivering the material by any means, including the Internet, is guilty of a crime in the second degree. Knowingly possessing or viewing any photograph, videotape, or computer file, locally or on the Internet, of a child in a prohibited sexual act or simulation, is a violation of N.J.S.A. 2C:24-4 and is a crime in the fourth degree.

The state of New Jersey appealed in three of the five criminal child pornography cases reviewed. The state won two of the three appeals—both decisions reversed dismissals of the indictments. In one of the state’s two successful appeals, a lower court had dismissed an indictment because the same crime had been prosecuted in New York State. The court held that the defendant should be charged with the crime in New Jersey as well as New York State. In another case, the state lost an appeal because the court ruled that the state had charged the defendant with second-degree child pornography when it should have charged the defendant with a lesser offense.

### *New York*

New York State Penal Code Articles 263.15 and 263.16 prohibit, respectively, promoting a sexual performance by a child less than 17 years of age and possessing a sexual performance by a child less than 16 years of age. “Performance” is defined to include photographs. State appellate courts affirmed lower court child pornography convictions in three cases and reinstated an indictment based on a state appeal in a fourth case. In *People of the State of N.Y. v. Fraser*, the court held that there is no scientific justification for possession of child pornography and ruled that digital computer images of child pornography qualify as “photographs” under the definition of Penal Code Article 263, possession of which is prohibited. In other cases, the court

denied the claim that possession of child pornography is a First Amendment right, and held that downloaded photographs can be used in evidence against a defendant.

### *North Carolina*

N.C. Gen. Stat. § 14-190.15 criminalizes the dissemination of harmful material to minors or allowing a minor to view a live performance harmful to minors. The offense is classified as a Class 1 misdemeanor. Research identified no cases prosecuted under this statute.

N.C. Gen. Stat. § 14-190.16 classifies as first-degree sexual exploitation of a minor the use, employment, inducement, coercion, encouragement, or facilitation of a minor to engage in or assist others to engage in sexual activity for a live performance for the purpose of producing material containing a visual representation depicting such activity; permitting a minor under the custody of the offender to engage in such sexual activity; the transportation or financing of the transportation of a minor through or across the state with the intent that the minor engage in such activity; and the recording, photographing, filming, developing, or duplicating for sale or pecuniary gain any material containing such a visual representation. The offense is a Class C felony. Mistake of age is not a defense. Research identified no cases prosecuted under this statute.

N.C. Gen. Stat. § 14-190.17 classifies as second-degree sexual exploitation of a minor the recording, photographing, developing, or duplicating of material containing a visual representation of a minor engaged in sexual activity and the distribution, transportation, exhibition, receipt, selling, purchasing, exchanging, or solicitation of such material. The offense is a Class E felony. Mistake of age is not a defense. Research identified one case prosecuted under this statute. The defendant appealed, and the case was remanded to the trial court for an evidentiary hearing regarding the defendant's motion for appropriate relief.

N.C. Gen. Stat. § 14-190.17A classifies as third-degree sexual exploitation of a minor the possession of material containing a visual representation of a minor engaging in sexual activity, punished as a Class H felony. Mistake of age is not a defense. Research identified four cases prosecuted under this statute. The defendants in each case appealed their convictions and/or sentences, and in each case the appellate court found no error, thus affirming their convictions and sentences.



### *Pennsylvania*

In 18 Pa. C.S. § 5903(c), disseminating explicit sexual materials to a person known to be a minor is a third-degree felony, and in 18 Pa. C.S. § 6312(b), photographing, videotaping, or depicting on a computer any prohibited sexual acts or simulations of a child younger than 18 years old is a second-degree felony. According to 18 Pa. C.S. § 6312(c), selling, distributing, disseminating, or displaying any book, photograph, film, or computer depiction of a child less than 18 years old in a prohibited sexual act or simulation is a third-degree felony. In 18 Pa. C.S. § 6312(d), possession of any book, picture, magazine, photograph, film, computer depiction, or any other material containing a child younger than 18 years old in a prohibited sexual act or simulation, is a third-degree felony.

The state successfully appealed a case against a 17-year-old defendant after the charges were dismissed for lack of jurisdiction. The court ruled that the defendant continued to possess the illegal content after he turned 18 years old and remanded the case for further hearing. In another appeal, the defendant claimed he did not have control over the child pornography found on his personal computer, but the court determined that the defendant purposefully searched the Internet for child pornography and viewed it on his computer.

### **Harassment and Bullying**

#### *California*

California Penal Code 653.2(a) – (c) criminalizes the electronic distribution of a victim's identifying information or transmitting a harassing message via electronic communication devices such as telephones, cell phones, or computers; Internet Web pages, sites, or Internet phones; or any hybrid cellular/Internet/wireless device in order to cause another person to fear for his or her safety or for that of his or her family. The offense is classified as a misdemeanor punishable by up to one year in prison, a fine of not more than \$1,000, or both. Research identified no cases prosecuted under this statute.

#### *Connecticut*

Conn. Gen. Stat. Ann. Chapter 952 § 53a-182b criminalizes as a Class D felony the use of a computer network or any written communications to harass, annoy, or threaten another

person; using a computer network with the intent to harass, annoy, or threaten another person is classified as a Class C misdemeanor. Research identified no cases prosecuted under this statute.

### *Michigan*

Mich. Stat. Ann. § 750.411h criminalizes the use of repeated electronic communication without consent to cause a person to suffer emotional stress or feel frightened. The offense is classified as a misdemeanor punishable by up to one year in prison, a fine of \$1,000, or both, but if the victim is younger than 18 years of age and the perpetrator is at least five years older at the time of the harassing contact, the offense is a felony punishable by up to five years in prison, a fine of no more than \$10,000, or both. Research identified no cases prosecuted under this statute.

Mich. Stat. Ann. § 750.411i(3) (a-b) prohibits the violation of a restraining order or probation condition against sending electronic communication without consent; the offense is considered aggravated stalking if the perpetrator makes a credible threat to the victim. The felony is punishable by imprisonment for up to five years, a fine of no more than \$10,000, or both. If the victim is younger than 18 years of age and the perpetrator is five years older than the victim, the offense is punishable by up to 10 years in prison, a fine of \$15,000, or both. Research identified no cases prosecuted under this statute.

### *Missouri*

This study did not identify any Missouri harassment or bullying statutes or cases using the stated search criteria.

### *New Hampshire*

According to N.H. Rev. Stat. Ann. § 644:4, harassing someone via electronic transmissions, such as computer transmissions, for the purpose of annoying, alarming, or threatening, with or without disclosing identity, is a misdemeanor. The offense is prosecuted in the jurisdiction where the transmission originated or was received. Research did not identify any New Hampshire statutes or cases which matched the search criteria.

### *New Jersey*

No criminal laws against harassment or bullying via electronic communications devices exist in New Jersey. However, education statutes contained the following guidelines: in N.J.S.A. 18A:37-15.1, “electronic communication” shall be added to school districts' harassment and bullying prevention policy; and in N.J.S.A. 18A:37-15. 2. a, each school district shall adopt a policy prohibiting harassment, intimidation or bullying by means of electronic communications on school property, at a school-sponsored function, or on a school bus. Research did not identify New Jersey cases regarding harassment and bullying which matched the search criteria.

### *New York*

According to N.Y. Penal Law § 240.30 (b), using electronic communication with intent to harass, annoy, threaten, or alarm another person is aggravated harassment in the second degree, a class A misdemeanor. Research identified no New York cases matching the search criteria for harassment and bullying via electronic communications technology.

### *North Carolina*

North Carolina General Statute 14-277.3A classifies as a Class 1A misdemeanor when a person willfully and on more than one occasion harasses another person via telephone, electronic mail, or other computerized transmission in order to knowingly torment or terrify a person. Research identified no cases prosecuted under this statute.

### *Pennsylvania*

There were no state of Pennsylvania statutes or cases to match the search criteria for harassment and bullying via electronic communications technology.

### **Trends**

State appellate courts typically affirm lower court convictions in solicitation and child pornography cases, which indicates that courts are interpreting statutes consistent with the goal of protecting minors from predators.

States have different penalties for similar violations. In the state of Missouri, for example, the minimum penalty for solicitation is five years, and in Florida the maximum sentence for the same violation is five years. In California, this crime is considered a misdemeanor.

Law enforcement officials share information regarding online solicitation of minors with agents in their own or other states. For example, in *State of New Jersey v. William T. Evers*, a New Jersey man e-mailed child pornography to a California sheriff's deputy, who was posing as a minor, from a child pornography chat room. The deputy forwarded the defendant's name and address to New Jersey police, who obtained a search warrant and found 40 images of child pornography on the defendant's hard drive.<sup>3</sup> The defendant was successfully prosecuted. Many states claim the authority to apprehend and prosecute if the predator sends electronic correspondence from their jurisdiction or if the intended victim lives within the jurisdiction.

Police and other law enforcement officials have been successful in bringing cases against online predators who solicit minors for sexual conduct. Law enforcement officers often portray teenagers online in order to find predators, set times and places to meet, and eventually apprehend them. Many cases were appealed on the grounds that no actual minor was involved in the electronic communications with law enforcement officers. The court consistently held that because the defendant believed he was communicating with a minor he was therefore guilty of solicitation charges.

Although many states have incorporated the illegal use of electronic communications into child pornography/solicitation statutes, states often prosecute Internet predators under other statutes that do not specifically criminalize the use of electronic communications devices and their associated activities. For example, Pennsylvania tried predators who used the Internet to solicit minors under statutes that did not specifically include reference to communications technology, such as 18 Pa. C.S. § 3122.1—Statutory Sexual Assault. In Missouri, the state prosecuted some predators under Mo. Rev. Stat. 566.034—Statutory Rape. New Jersey prosecuted defendants who solicited minors over the Internet under statutes such as 2C:14-2(c)—Sexual Assault or 2C:5-1(a)(3)—Criminal Attempt. In California, where some defendants were prosecuted for sexual assault against minors, prosecutors presented evidence from the defendants' computers showing that they possessed and exchanged electronic images of child

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<sup>3</sup> *State of New Jersey v. William T. Evers*, A-81/82 September Term 2001, 175 N.J. 355; 815 A.2d 432.

pornography. These defendants were not, however, prosecuted under laws that criminalized the possession of electronic images of child pornography.

In both Florida and New Hampshire, in an effort to protect children from predators who share identity information, statutes have been enacted to make it illegal to buy, sell, or share a minor's name and address for the purposes of solicitation.

## COMPARING FEDERAL TO STATE

In both state and federal cases, there were many instances of law enforcement officers portraying minors in Internet chat rooms to make contact with predators. Law enforcement officers were successful in capturing many suspects after developing online relationships with predators through chat rooms, email, instant messaging, and text messaging and retained electronic correspondence for use in court against predators.

Many state and federal defendants appealed solicitation cases on the grounds that the prosecution lacked sufficient evidence to convict. However, courts determined that if sexual content existed in electronic communications, or if the defendant had set times and places to meet with minors, or had traveled to meeting places, the evidence indicated intent. Law enforcement officers maintain records of electronic communications as evidence against predators.

Defendants in both state and federal cases argued that the involvement of an actual minor was required to convict on solicitation charges. Courts reviewed sexually infused electronic communications, plans to meet with intended victims, and travel to meet the intended victims as proof of intent to solicit sexual relations with minors. Because the predator intended to solicit a minor, an actual minor was not necessary for conviction of solicitation.

In general, lower court rulings on the federal and state level were affirmed by appeals courts. Any convictions that were overturned were generally at the state level. Some cases were remanded back to the trial court for resentencing.

Although there are high-profile cases regarding online or electronic communication harassment and bullying, research identified no state or federal cases matching the study criteria. Notably, in July 2009 a federal judge overturned a jury conviction of a Missouri woman who had portrayed a minor in a social networking site in order to bully an adolescent girl, who later committed suicide (*U.S. v. Drew*, case no. 08-CR-582). The U.S. attorney in Los Angeles had

charged Ms. Drew with three misdemeanor counts of gaining access to computers without authorization under the Computer Fraud and Abuse Act — 18 U.S.C. § 1030; the judge ruled this statute to be too vague when applied to this case. The existing federal statute addressing online harassment (47 U.S.C. § 223: Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications) has not been used to address cases of cyber bullying. Likewise, of the sample states researched in this study, few states were found to have effective statutes addressing electronic communication harassment and bullying.

## CONCLUSION

Review and analysis of select state and federal law and cases regarding Internet crimes against children show that although current state and federal legislation is being enforced, the states and the federal government need to enact new legislation to keep pace with changing technology. Adding “electronic communications devices” to existing statutes may bring a more uniform standard of law for all states and enable law enforcement officers to target electronic communication technology used by predators to solicit minors, engage in child pornography, and harass and bully minors. Frequently, records of Internet criminal activity are being used as evidence in criminal proceedings for other crimes, but not as the basis for criminal prosecution. Based on research of federal and select state statutes, there appear to be adequate laws addressing the crimes of solicitation and child pornography, but not a sufficient number of laws specifically targeted to the growing phenomenon of cyber harassment and bullying.

## FEDERAL CASES

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
Child Pornography	12-Feb-99	<i>U.S. v. Troy Upham</i> , 98-1121, 168 F.3d 532	Four counts of transporting in interstate commerce computer graphic images of minors engaged in sexually explicit conduct, the production of which involved the use of minors engaged in such conduct, in violation of 18 U.S.C. § 2252(a)(1). Each count related to transmissions on a different date. One count (count 5) of possession of 1,400 images of minors engaged in sexually explicit conduct, the production of which involved the use of minors engaged in such conduct, in violation of 18 U.S.C. § 2252(a)(4)(B)	Convicted on all five counts	Not stipulated	The defendant appealed his convictions. The U.S. Court of Appeals for the First Circuit affirmed.
Child Pornography	5-Mar-99	<i>U.S. v. John Fabiano</i> , 98-1048, 169 F.3d 1299	Charged in a 15-count indictment with transporting, receiving, and possessing child	A jury convicted him of two counts of receiving visual depictions of child	24 months of imprisonment and three years of supervised release	The defendant appealed his conviction and sentence. The U.S.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			pornography in violation of 18 U.S.C. § 2252(a)(1), (a)(2) and (a)(4)(B)	pornography in violation of 18 U.S.C. § 2252(a)(2) and acquitted him on the remaining 13 counts.		Court of Appeals for the Tenth Circuit affirmed the conviction and sentence.
Child Pornography	23-Jun-99	<i>U.S. v. Cory Stephen Lake</i> , 97-693, 53 F.Supp. 2d 771	Possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B); also indicted by state for four counts of second-degree sexual assault, two counts of second-degree child endangerment, one count of second-degree distribution of child pornography, one count of fourth-degree possession of child pornography, one count of tampering with evidence, one count of criminal restraint and one count of terrorist threat	Pleaded guilty to federal possession charge; pleaded not guilty to sexual assault but guilty to two counts of child endangerment and possession of child pornography	Unclear; 33 to 41 months of imprisonment followed by three-year term of supervised release with special conditions	N/A
Child Pornography	29-Jun-99	<i>U.S. v. Daniel Zane Mohrbacher</i> , 98-10009, 182 F.3d 1041	1) and 2) transporting visual depictions of minors engaged in sexually explicit	Convicted by jury on all four counts; prior to trial, the defendant had	Nine months of imprisonment on each count, served concurrently,	The defendant moved for acquittal on counts 1 and 2 and moved for an adjustment on his



Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			conduct in violation of 18 U.S.C. § 2252(a)(1); 3) possession of three or more items depicting sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(4)(B); 4) receiving visual depictions of minors engaging in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(2)	attempted to reach a plea agreement by pleading guilty to count two, but withdrew his plea	followed by three years of supervised release	sentence for the other counts based on acceptance of responsibility. The U.S. Court of Appeals for the Ninth Circuit reversed the defendant's conviction on counts 1 and 2 but affirmed the district court's denial of an adjustment and remanded the case for further proceedings.
Child Pornography	29-Jun-99	<i>U.S. v. Michael Aaron Wilson</i> , 98-1323, 182 F.3d 737	Possession of three or more matters containing visual depictions of minors engaged in sexually explicit conduct which were produced using materials shipped or transported in interstate commerce in violation of 18 U.S.C. § 2252(a)(4)(B)	Convicted	N/A	The defendant appealed his conviction. The U.S. Court of Appeals for the Tenth Circuit concluded that the evidence presented at trial was insufficient, reversed the defendant's conviction, and remanded with directions to enter a judgment of acquittal.
Child Pornography	30-Aug-99	<i>U.S. v. Paul Frederick Laney</i> , 98-10032, 189	A 24-count indictment against Laney and 15 co-defendants	Pleaded guilty to all three counts without reaching	81 months of imprisonment and restitution to one	The defendant appealed his sentence. The U.S. Court of

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		F.3d 954	contained three charges against Laney: Count 1) conspiracy to sexually exploit children in violation of 18 U.S.C. § 2251(a) and (d); Count 2) conspiracy to engage in certain activities relating to the sexual exploitation of children in violation of 18 U.S.C. § 2252(a) and (b)(1); and Count 18) distribution of visual depiction of minors engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(1).	an agreement on sentencing	of the victims of the Internet child pornography ring of which defendant was a member	Appeals for the Ninth Circuit affirmed the sentence.
Child Pornography	2-Sep-99	<i>U.S. v. James W. Snyder</i> , 98-2574, 189 F.3d 640	Producing child pornography in violation of 18 U.S.C. § 2251(a)(2); receiving child pornography in violation of 18 U.S.C. § 2252(a)(2); distributing child pornography in violation of 18 U.S.C. § 2252(a)(2); and possessing child	Convicted on all four counts	168 months of imprisonment followed by six years of supervised release	The defendant appealed. The U.S. Court of Appeals for the Seventh Circuit affirmed.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			pornography in violation of 18 U.S.C. § 2252(a)(3)(B). Each count also charged defendant with aiding and abetting under 18 U.S.C. § 2.			
Child Pornography	21-Sep-99	<i>U.S. v. Jerry Stewart</i> , 99-60193, 190 F.3d 389	One count of possession of child pornography in violation of 18 U.S.C. § 2252A and one count of possession of stolen goods	Pleaded guilty	92 months of imprisonment (five years for possession of child pornography and 10 years for possession of stolen goods)	The defendant appealed his sentence. The U.S. Court of Appeals for the Fifth Circuit affirmed.
Child Pornography	12-Nov-99	<i>U.S. v. Jack Acheson</i> , 98-3559, 195 F.3d 645	One count of knowingly receiving visual depictions of minors engaged in sexually explicit conduct transported in interstate commerce by means of computer and one count of knowingly possessing material containing three or more images of child pornography, in violation of the Child Pornography Prevention Act of 1996 (Pub.L.No. 104-208,	Pleaded guilty	Not stipulated	The defendant appealed on the grounds the CPPA was unconstitutional. The district court affirmed his conviction and dismissed his appeal. The U.S. Court of Appeals for the Eleventh Circuit affirmed.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			110 Stat 3009, 3009-26)			
Child Pornography	18-Nov-99	<i>U.S. v. David Perreault</i> , 99-30087, 195 F.3d 1133	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	Unclear; two-level upward departure	The defendant appealed his sentence. The U.S. Court of Appeals for the Ninth Circuit affirmed the sentence.
Child Pornography	2-Dec-99	<i>U.S. v. Donald G. Stevens</i> , 98-30289, 197 F.3d 1263	Six counts of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty to six counts	120 months of imprisonment for each count, served concurrently	The defendant appealed his sentence. The U.S. Court of Appeals for the Ninth Circuit vacated the sentence and remanded for resentencing.
Child Pornography	4-Jan-00	<i>U.S. v. David Vernon Tank</i> , 98-10001, 200 F.3d 627	Conspiring to sexually exploit a child for the purpose of producing a sexually explicit visual depiction in violation of 18 U.S.C. § 2251(a) and (d); conspiring to engage in the receipt and distribution of sexually explicit images of children in violation of 18 U.S.C. § 2252(a) and (b)(1); and distributing sexually explicit	Convicted	235 months of imprisonment	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Ninth Circuit affirmed the convictions, but reversed the sentence in part and remanded for resentencing.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			images of a child to another person in violation of 18 U.S.C. § 2252(a)			
Child Pornography	13-Apr-00	<i>U.S. v. Lawrence Charles Matthews</i> , 99-4183, 209 F.3d 338	Six counts of transmitting child pornography over the Internet, in violation of 18 U.S.C. § 2252(a)(1); nine counts of receiving child pornography over the Internet, in violation of 18 U.S.C. § 2252(a)(2)	District court denied defendant's move to dismiss indictment based on First Amendment rights; under plea agreement, Matthews pleaded guilty to one count each of transmitting and sending child pornography with right to appeal.	Unclear; downward departure denied	The defendant, an award-winning journalist, appealed his conviction on First Amendment grounds. The U.S. Court of Appeals for the Fourth Circuit affirmed the district court's judgment. U.S. Supreme Court: certiorari denied.
Child Pornography	17-Jul-00	<i>U.S. v. Gregory James Grant</i> , 99-2332, 218 F.3d 72	Possession and distribution of child pornography that had been transported in interstate commerce in violation of 18 U.S.C. § 2252A(a)(2) and (5)(B)	Pleaded guilty	Not stipulated	The defendant appealed the district court's denial of his motion to suppress evidence. The U.S. Court of Appeals for the First Circuit affirmed.
Child Pornography	20-Jul-00	<i>U.S. v. Terry Joe Lee Campos</i> , 99-5050, 221 F.3d 1143	Transporting child pornography through interstate commerce via computer in	Convicted	37 months of imprisonment	The defendant appealed his conviction. The U.S. Court of Appeals for

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			violation of 18 U.S.C. § 2252(a)(1)			the Tenth Circuit affirmed.
Child Pornography	27-Nov-00	<i>U.S. v. Bart Henriques</i> , 99-60819, 234 F.3d 263	Possession of child pornography in violation of 18 U.S.C. § 252A(a)(5)(B)	Convicted	42 months of imprisonment followed by three-year term of supervised release	The defendant appealed his conviction. The U.S. Court of Appeals for the Fifth Circuit overturned his conviction.
Child Pornography	6-Dec-00	<i>U.S. v. Ralph Wayne Angle</i> , 99-3349, 234 F.3d 326	Several crimes related to child pornography and pursuit of a minor for sexual gratification (federal law not stipulated)	Convicted	A combination of sentencing enhancements and an upward departure from the applicable guideline range. The district court sentenced the defendant to just over 27 years in prison.	The defendant challenged his convictions and sentence; the U.S. Court of Appeals for the Seventh Circuit affirmed the convictions but remanded the case for resentencing. U.S. Supreme Court: certiorari denied.
Child Pornography	4-Jan-01	<i>U.S. v. Frank Pierce</i> , 99-41463, 237 F.3d 693	Failing to create and maintain records pertaining to individuals who were objects of sexually explicit photographs, in violation of 18 U.S.C. § 2257(f)(1)	Pleaded guilty	12 months of imprisonment	Defendant appealed his sentence, arguing that the district court erred in refusing to grant him a two-level reduction for acceptance of responsibility. The court affirmed, finding that the district court

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						had a basis for concluding that defendant falsely denied relevant conduct, and its refusal to grant the downward adjustment had foundation. Sentence affirmed.
Child Pornography	4-May-01	<i>U.S. v. Jeffrey Tucker</i> , 2:98-CR-425C	Knowingly possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	Not stipulated	N/A
Child Pornography	12-Jul-01	<i>U.S. v. David J. Brunette</i> , 00-2194, 256 F.3d 14	1) transportation of child pornography in violation of 18 U.S.C. § 2252A(a)(1); 2-4) possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	Not stipulated	The defendant appealed his conviction. The U.S. Court of Appeals for the First Circuit affirmed the conviction.
Child Pornography	3-Oct-01	<i>U.S. v. Jason Albert Becht</i> , 00-3690, 267 F.3d 767	One count of possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and one count distributing child pornography in violation of 18 U.S.C. § 2252A(a)(1)	Convicted	97 months of imprisonment; two years of supervised release; \$200 special assessment	The defendant appealed his conviction but the U.S. Court of Appeals for the Eighth Circuit affirmed it. The defendant filed a motion for post-conviction relief, which was denied (see

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						<i>Becht v. U.S.</i> , 403 F.3d 541). He then filed for a rehearing, which was denied. U.S. Supreme Court: certiorari also denied.
Child Pornography	9-Oct-01	<i>U.S. v. Lonne Joseph Parker</i> , 00-3391 and 01-1010, 267 F.3d 839	Possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Convicted	37 months of imprisonment	The defendant appealed his conviction and the district court’s denial of his motion for a new trial. The government cross-appealed, arguing that the district court erred by failing to enhance the defendant’s sentence based on the sadistic nature of the images. The U.S. Court of Appeals for the Eighth Circuit affirmed the defendant’s conviction and the district court’s denial of a new trial but reversed and remanded the case for resentencing. Rehearing, rehearing en banc, writ of certiorari, and post-conviction relief all



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						denied.
Child Pornography	31-Oct-01	<i>U.S. v. Sean Laine</i> , 01-1432, 270 F.3d 71	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	37 months of imprisonment	The defendant appealed his conviction. The U.S. Court of Appeals for the First Circuit affirmed the conviction.
Child Pornography	17-Jan-02	<i>U.S. v. Thomas Luke Guagliardo</i> , 01-50066, 278 F.3d 868	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	15 months of imprisonment followed by three years of supervised release with special conditions	The defendant appealed his conviction and the three conditions attached to his supervised release. The U.S. Court of Appeals for the Ninth Circuit affirmed the conviction but remanded the case for resentencing. U.S. Supreme Court: certiorari denied.
Child Pornography	12-Feb-02	<i>U.S. v. David Daniel Anderson</i> , 01-1368, 280 F.3d 1121	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	60 months of imprisonment and three-year term supervised release	The defendant appealed the sufficiency of the indictment that led to his jury conviction. The U.S. Court of Appeals for the Seventh Circuit found the indictment

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						sufficient to uphold the defendant's conviction and sentence.
Child Pornography	2-Apr-02	<i>U.S. v. David Kemmerling</i> , 01-2927, 285 F.3d 644	One count of sexually exploiting children in violation of 18 U.S.C. § 2251(a) and four counts of possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). The defendant had been convicted twice previously of offenses relating to the sexual exploitation of children in violation of 18 U.S.C. § 2251(d).	Convicted	Not stipulated	The defendant appealed his conviction. The U.S. Court of Appeals for the Eighth Circuit affirmed the conviction. Writ of certiorari denied.
Child Pornography	18-Apr-02	<i>U.S. v. Robert Beam Runyan</i> , 00-10821 and 01-11207, 290 F.3d 223	Sexual exploitation of a child in violation of 18 U.S.C. § 2251; distribution, receipt, possession of child pornography in violation of 18 U.S.C. § 2252A	Convicted	300 months of imprisonment, three-year term of supervised release, \$400 special assessment	The defendant appealed his convictions and sentences. The U.S. Court of Appeals for the Fifth Circuit affirmed convictions for receipt and possession of child pornography and for sexual exploitation of a child; reversed conviction for distribution of child

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						pornography; vacated the defendant's sentence and remanded the case to district court for resentencing.
Child Pornography	22-May-02	<i>U.S. v. Christopher Shawn Deaton</i> , 4-99cr00087-2 GH, 204 F. Supp. 2d 1181	Possession of child pornography	Pleaded guilty	57 months in prison, three-year term of supervised release, \$100 assessment	The defendant filed a motion to correct his sentence, asking the court to eliminate the restriction on access to the Internet, a special condition of supervised release. The U.S. District Court of for the Eastern District of Arkansas, Western Division granted the motion.
Child Pornography	2-Jul-02	<i>U.S. v. Jonathan M. Tampico</i> , 00-20178, 297 F.3d 396	One count each of possessing, receiving, distributing, reproducing child pornography in violation of 18 U.S.C. § 2252 - 18 U.S.C. § 2252A	District court found defendant guilty of counts one through three and not guilty of count four (reproducing child pornography).	60 months of incarceration for count one (possession) and 360 months each for counts two (receiving) and three (distributing) child pornography, to run concurrently	Defendant appealed both conviction (on constitutional grounds) and sentencing. The U.S. Court of Appeals for the Fifth Circuit affirmed conviction and sentence.

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Child Pornography	26-Aug-02	<i>U.S. v. Thomas Reedy and Janice Reedy</i> , 01-11042, 304 F.3d 358	As owners and operators of a company providing computerized credit card verification services to Web masters whose Web sites contained adult and child pornography, the Reedys were convicted of transporting “visual depictions” of “minors engaging in sexually explicit conduct” in violation of 18 U.S.C. § 2252 and transporting “child pornography” in violation of 18 U.S.C. § 2252A.	Convicted	Janice Reedy was resentenced to 168 months of imprisonment and three years of supervised release on each of 11 counts, sentences running concurrently. Thomas Reedy was resentenced to 180 months of imprisonment and three years of supervised release on each of 12 counts with the sentences to consecutively to the extent necessary to produce a life sentence.	The defendants appealed their convictions and sentences; the U.S. Court of Appeals for the Fifth Circuit vacated and remanded for resentencing only and rejected the defendants’ other arguments. Janice Reedy continued to appeal; her sentence was upheld.
Child Pornography	18-Oct-02	<i>U.S. v. Robert Parish</i> , 01-30017, 308 F.3d 1025	Two counts of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and two counts of receiving child pornography in violation of 18 U.S.C.	Pleaded guilty to two counts of possession in a plea agreement	Eight months in prison followed by eight months of home detention with electronic monitoring	The United States appealed the 8-level downward departure from the sentence prescribed by the U.S. Sentencing Guidelines Manual. Finding no abuse of discretion in the district court’s

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			§ 2252A(a)(2)			conclusion that the defendant’s conduct fell outside the heartland of offense and agreeing with the district court that the defendant was at high risk for abuse in prison, the U.S. Court of Appeals for the Ninth Circuit affirmed the sentence.
Child Pornography	25-Oct-02	<i>U.S. v. Edward M. Stulock</i> , 02-1401, 308 F.3d 922	One count of knowingly receiving child pornography in violation of 18 U.S.C. § 2252A	Convicted	72 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed the sentence.
Child Pornography	5-Nov-02	<i>U.S. v. Adam A. Dean</i> , crim. No. 00-50-B-S, civil no. 02-102-B-S, 231 F. Supp. 2d 382	Receiving, possessing, and transporting child pornography in violation of three subsections of 18 U.S.C. § 2252A(a)	Convicted	Three concurrent prison terms of 88 months	The defendant filed a motion for habeas relief on a single ground. The defendant argued that his conviction was improper in light of the United States Supreme Court’s decision in <i>Ashcroft v. Free Speech Coalition</i> , 535 U.S. 234 (2002). The U.S. District Court for the District

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						of Maine recommended that the motion be denied. The conviction was affirmed.
Child Pornography	6-Dec-02	<i>U.S. v. Aaron Thompson</i> , 01-30279, 315 F.3d 1071	Two counts of distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(2) and one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	44 months of imprisonment	The government appealed the defendant's sentence. The U.S. Court of Appeals for the Ninth Circuit vacated the sentence and remanded.
Child Pornography	3-Jan-03	<i>U.S. v. George Kelly</i> , 02-2064, 314 F.3d 908	11 counts of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B), one count of shipping child pornography in violation of 18 U.S.C. § 2252A(a)(1)	Pleaded guilty; the court rejected defendant's offer to plead nolo contendere to count three (possession) and count 12 (shipping) but accepted guilty pleas to both.	Defendant was sentenced to 33 months of imprisonment, three years of supervised release, \$10,000 fine, and \$100 special assessment on count three only. Count 12 (shipping) was dismissed prior to sentencing because the charge was based on the distribution of virtual child	The defendant appealed, arguing that the district court lacked subject matter jurisdiction to convict him because the child pornography statute was declared unconstitutional in <i>Ashcroft v. Free Speech Coalition</i> , 535 U.S. 234 (2002). However, the defendant was convicted of possessing traditional child pornography, rather than virtual

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					pornography. The U.S. Supreme Court decided <i>Ashcroft v. Free Speech Coalition</i> , 535 U.S. 234 (2002), just prior to sentencing.	child pornography; therefore the U.S. Court of Appeals for the Seventh Circuit affirmed the judgment of the district court.
Child Pornography	6-Jan-03	<i>U.S. v. Jay Marcus</i> , 01-CR-289-S-1-DRH, 239 F.Supp. 2d 277	Knowingly and intentionally 1) distributing in interstate commerce, by computer, child pornography; 2) receiving in interstate commerce, by computer, child pornography; and 3) possessing material that contains images of child pornography that had been transported in interstate commerce by computer in violation of 18 U.S.C. §§ 2252A(a)(2)(A) and 2252A(a)(5)(B)	Pleaded guilty during trial	Not stipulated	The defendant moved to withdraw guilty pleas. The U.S. District Court for the Eastern District of New York denied the motion.
Child Pornography	7-Feb-03	<i>U.S. v. David Sromalski</i> , 01-4236, 318 F.3d 748	Two counts of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	Not stipulated	The defendant appealed his sentence. The U.S. Court of Appeals for the Seventh Circuit

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						vacated and remanded the sentence.
Child Pornography	17-Mar-03	<i>U.S. v. Ronald David Ellyson</i> , 00-4600, 326 F.3d 522	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B), (b)(2)	Convicted	Not stipulated	The defendant appealed his conviction on the grounds that law enforcement officers obtained the illicit pornographic material at issue through a constitutionally defective search of his residence. Additionally, the defendant contended that the district court's jury instructions failed to comply with <i>Ashcroft v. Free Speech Coalition</i> , 535 U.S. 234 (2002), which permitted the jury to convict him on unconstitutional grounds. The U.S. Court of Appeals for the Fourth Circuit ruled that the court's instructions were erroneous under <i>Ashcroft v. Free Speech Coalition</i> and therefore vacated and



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						remanded the conviction.
Child Pornography	8-Apr-03	<i>U.S. v. Keith Fields</i> , 02-3266, 324 F.3d 1025	Possession of child pornography; selling child pornography in violation of 18 U.S.C. § 2252(a)(3)(B)	Pleaded guilty to the selling charge	57 months of imprisonment and three-year term of supervised release	The defendant appealed two of the special conditions of his release. The U.S. Court of Appeals for the Eighth Circuit affirmed the sentence.
Child Pornography	9-Apr-03	<i>U.S. v. Delbert R. Holm</i> , 02-1389, 326 F.3d 872	One count of possessing child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B)	Conditional guilty plea	59 months of imprisonment; \$20,000 fine; post-prison conditions including restrictions on contact with children and use of the Internet	The defendant appealed. The U.S. Court of Appeals for the Seventh Circuit affirmed the conviction but remanded the case for further consideration of the sentence and post-incarceration conditions.
Child Pornography	7-Jul-03	<i>U.S. v. Randy C. Kimler</i> , 02-3097, 335 F.3d 1132	One count of receiving or distributing, by computer, images of minors engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(2), one count of possession of such images in violation of 18 U.S.C. §	Convicted	87 months of imprisonment followed by three years of supervised release, two special conditions of which were to cooperate in the collection of a DNA sample and	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Tenth Circuit affirmed the conviction and sentence.

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			2252(a)(4)(B), and four counts of distribution of such images in violation of 18 U.S.C. § d2252(a)(2)		to participate in a sex offender treatment program	
Child Pornography	30-Jul-03	<i>U.S. v. Alois Larry Wolk, Jr.</i> , 02-1179, 337 F.3d 997	One count of transporting child pornography in violation of 18 U.S.C. § 2252A(a)(1) and three counts of possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	Not stipulated	The defendant appealed his conviction and sentence; the primary argument on appeal was that the Supreme Court decision in <i>Ashcroft v. Free Speech Coalition</i> , 535 U.S. 234 (2002), required dismissal of the indictment. He also challenged the district court's denial of his motion to suppress evidence, his Batson challenge, and his objection to the sentencing enhancement. The U.S. Court of Appeals for the Eighth Circuit found no error and affirmed.
Child Pornography	20-Aug-03	<i>U.S. v. Kenneth J. Raney</i> , 02-2086,	Traveling in interstate commerce for purpose	Convicted on both counts	145 months of imprisonment	The defendant appealed his

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		342 F.3d 551	of engaging in a sexual act with a minor in violation of 18 U.S.C. § 2423(b) and attempted manufacture of child pornography in violation of 18 U.S.C. § 2251(a) and (e)			conviction. The U.S. Court of Appeals for the Seventh Circuit affirmed.
Child Pornography	9-Sep-03	<i>U.S. v. Charles Michael Ashley</i> , 02-3931, 342 F.3d 850	1) receipt of pornographic materials involving minors in violation of 18 U.S.C. § 2252(a)(2) and (b)(1); 2) knowingly possessing numerous computer files containing child pornography in violation of unspecified law	Pleaded guilty to count one; count two was dismissed as part of plea agreement.	135 months of imprisonment (five-level enhancement)	The defendant appealed his sentence, seeking review of the five-level enhancement imposed for a pattern of activity involving the sexual abuse or exploitation of a minor. The U.S. Court of Appeals for the Eighth Circuit affirmed the sentence.
Child Pornography	10-Sep-03	<i>U.S. v. Steven Michael Adams</i> , 02-50196, 343 F3d 1024	Indicted for receiving and possessing child pornography in violation of 18 U.S.C. §§ 2252(a)(2) and 2252(a)(4)(b)	Defendant moved to dismiss the indictment, then conditionally pleaded guilty to one count of possession but reserved the right to challenge the constitutionality of the statute.	Not stipulated	On appeal, the U.S. Court of Appeals for the Ninth Circuit affirmed the district court's conviction. U.S. Supreme Court: certiorari denied.

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Child Pornography	26-Sep-03	<i>U.S. v. David J. Gunderson</i> , 01-1311, 345 F.3d 471	Indicted for possessing child pornography on a computer hard drive (count 1) in violation of 18 U.S.C. § 2252A(a)(5)(B); shipping child pornography in interstate commerce (count 2) in violation of 18 U.S.C. § 2252A(a)(5)(B); and criminal forfeiture (count 3) in violation of 18 U.S.C. § 2253	Defendant pleaded guilty to count one and agreed to the forfeiture sought in count three. In exchange for the guilty plea, the government dropped count two.	As a result of a prior conviction, the defendant's base offense level was enhanced five levels to a 120-month prison term.	The defendant appealed his sentence. The U.S. Court of Appeals for the Seventh Circuit affirmed the sentence.
Child Pornography	6-Nov-03	<i>U.S. v. Chance Rearden</i> , 02-50311, 349 F.3d 608	Shipping pornography over the Internet in violation of 18 U.S.C. § 2252A(a)(1)	Convicted	51 months of imprisonment followed by an unspecified term of supervised release; \$10,000 fine	The defendant appealed his sentence contending insufficient evidence that an image of an actual child was involved in his offense ( <i>Ashcroft v. Free Speech Coalition</i> , 535 U.S. 234 (2002)). The U.S. Court of Appeals for the Ninth Circuit affirmed the sentence.
Child Pornography	25-Nov-03	<i>U.S. v. Harry Dale Peterson</i> , 2:03-0118, 294 F. Supp. 2d 797	Indicted for knowingly possessing a computer, computer disks, and other materials that contained images of	Defendant moved to dismiss indictment on the grounds that the statute is	Not stipulated	The defendant appealed. The U.S. Court of Appeals for the Fourth Circuit affirmed the judgment

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			child pornography that had been mailed, shipped, and transported in interstate commerce in violation of 18 U.S.C. § 2252(a)(4)(B)	unconstitutional under the First and Fifth Amendments to the U.S. Constitution; district court denied motions to dismiss indictment and suppress evidence.		of the district court.
Child Pornography	22-Jan-04	<i>U.S. v. Martin C. Myers</i> , 02-3497, 355 F.3d 1040	Receiving in interstate commerce images of children engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(2) and possession of three or more images of children engaged in sexually explicit conduct which had been transported in interstate commerce in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty to two counts of a four-count indictment	42 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Seventh Circuit affirmed the sentence.
Child Pornography	3-Feb-04	<i>U.S. v. Justin Wayne Matthews</i> , CR-02S-549-M, 300 F.Supp. 2d 1220	Two-count indictment charging sexual exploitation of a minor in violation of 18 U.S.C. § 2251(a) and possession of child pornography in	Conditionally pleaded guilty	Not stipulated	The defendant entered a motion to reconsider his motion to dismiss the indictment. The U.S. District Court for the Northern District of Alabama, Middle

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			violation of 18 U.S.C. § 2252A(a)(5)(B)			Division, granted the defendant's motion to dismiss. On June 14, 2006, the U.S. Court of Appeals for the Eleventh Circuit reconsidered that decision on remand from the Supreme Court in light of <i>Gonzales v. Raich</i> , 545 U.S.1 (2005), deciding that dismissal of possession charges under 18 U.S.C. § 2252A(a)(5)(B) was incorrect. The case was vacated and remanded (see 184 Fed. Appx. 868).
Child Pornography	3-Feb-04	<i>U.S. v. Brian Francis Joyce</i> , 02-30423,357 F.3d 921	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty and waived right to appeal	27 months of imprisonment followed by a three-year term of supervised release with special conditions, including restricted Internet access and computer use	The defendant appealed the conditions of his term of supervised release restricting his Internet access and computer use. The U.S. Court of Appeals for the Ninth Circuit dismissed the appeal for lack of jurisdiction (defendant waived his right to appeal).

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Child Pornography	12-Feb-04	<i>U.S. v. Mark A. Harris</i> , 03-1342, 358 F. 3d 221	Two counts of violating 18 U.S.C. § 2251 and 18 U.S.C. § 2252A(a)(5)(B)	The defendant pleaded guilty after his motion to dismiss the indictment was denied.	Not stipulated	The defendant appealed the judgment, asserting that 18 U.S.C. § 2252A(a)(5)(B) is unconstitutional. The U.S. Court of Appeals for the Second Circuit affirmed the district court's judgment.
Child Pornography	2-Mar-04	<i>U.S. v. Robert Robinson</i> , 03-1403, 359 F.3d 66	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Conditional guilty plea	27 months of imprisonment followed by three years of supervised release	The defendant appealed the district court's denial of his motion to suppress all evidence seized from his residence. The U.S. Court of Appeals for the First Circuit affirmed the district court's ruling, and therefore the conviction and sentence.
Child Pornography	30-Mar-04	<i>U.S. v. Brandon Michael Lifshitz</i> , 03-1221, 369 F.3d 173	Indicted on two counts of receipt and distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A)	Pleaded guilty to receipt; government dropped the distribution charge in the plea agreement.	Three years of probation with conditions	The defendant appealed the computer monitoring condition of his probation. The U.S. Court of Appeals for the Second Circuit vacated the condition and remanded for the imposition of a

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						condition consistent with its opinion.
Child Pornography	1-Apr-04	<i>U.S. v. Samuel Alan Morton</i> , 02-16809, 364 F.3d 1300	One count of attempting to distribute CP in interstate commerce in violation of 18 U.S.C. § 2252A(a)(1); one count of attempting to receive or reproduce a visual depiction of minors engaging in sexually explicit conduct in violation of 18 U.S.C. § 2252A(a)(2); attempting to possess computer equipment containing visual depictions of minors engaging in sexually explicit conduct in violation of 18 U.S.C. § 2252A(a)(4); knowingly attempting to use a means of interstate commerce to entice a minor to engage in sexual activity in violation of 18 U.S.C. § 2422(b)	In a plea agreement, pleaded guilty to counts one, three, and four	148 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence.



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Child Pornography	2-Jun-04	<i>U.S. v. William Kise</i> , 02-4693, 369 F.3d 766	Two counts of sexual exploitation of children in violation of 18 U.S.C. § 2251(a)(b)	Pleaded guilty	240 months of imprisonment for count one and 125 months for count two, to run consecutively for a total of 365 months, plus a three-year term of supervised release	The defendant challenged his sentences. The U.S. Court of Appeals for the Fourth Circuit vacated the sentences and remanded the case for resentencing.
Child Pornography	13-Jul-04	<i>U.S. v. Wesley George Thorn</i> , 03-3615, 375 F.3d 679	One count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)	Conditional guilty plea	27 months of imprisonment followed by three years of supervised release	The defendant appealed the district court's denial of his motion to suppress evidence. The U.S. Court of Appeals for the Eighth Circuit affirmed.
Child Pornography	19-Jul-04	<i>U.S. v. Tery Johnson</i> , 03-2183, 376 F.3d 689	Three-count indictment including one count of attempting to employ, use, persuade, induce, and entice a person believed to be a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct in violation of 18 U.S.C. § 2251(a) and (c)	Pleaded guilty	120 months of imprisonment	The defendant appealed the district court's denial of his motion challenging the constitutionality of 18 U.S.C. § 2251. The U.S. Court of Appeals for the Seventh Circuit affirmed the district court's decisions.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
Child Pornography	6-Aug-04	<i>U.S. v. Danny Eugene O’Daniel</i> , 02-CR-159-H, 328 F. Supp. 2d 1168	Six counts of knowing transportation of a visual depiction involving a child engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)	Pleaded guilty	63 months of imprisonment	N/A
Child Pornography	11-Aug-04	<i>U.S. v. Michael Albert Cervini</i> , 03-6144, 379 F.3d 987	One count of shipping child pornography in interstate commerce in violation of 18 U.S.C. § 2252A(a)(1) and one count of possession of child pornography that was transported in interstate commerce by means of a computer in violation of 18 U.S.C. § 2252A(a)(5)(B)	The defendant pleaded guilty to the second count in a conditional plea agreement that dismissed the first count.	27 months of imprisonment and three years of supervised release	The defendant appealed, arguing that the district court erred in denying his motion to suppress and his request for an evidentiary hearing. The U.S. Court of Appeals for the Tenth Circuit affirmed on both grounds. U.S. Supreme Court: certiorari denied.
Child Pornography	16-Aug-04	<i>Thomas Richardson v. U.S.</i> , 02-3786, 379 F.3d 485	One count of receiving child pornography in violation of 18 U.S.C. § 2252(a)(2) and one count of possession child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty	108 months of imprisonment	The defendant appealed, challenging his sentence. The U.S. Court of Appeals for the Seventh Circuit affirmed the sentence. The defendant then moved to vacate, set aside, or correct his sentence, arguing that his trial counsel was

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						constitutionally ineffective. The district court denied the motion, holding that he procedurally defaulted his claim. The appellate court found that the defendant correctly argued that he did not procedurally default but affirmed the district court’s denial because the defendant failed to show his counsel was ineffective.
Child Pornography	22-Sep-04	<i>U.S. v. David Malik</i> , 03-3404, 385 F.3d 758	Receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A) and possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty to both counts	30 months of imprisonment	The government appealed the sentence. The district court sentenced the defendant under U.S. Sentencing Guidelines Manual 2G2.2, but the government argued that if 2G2.4 had been used, the defendant would have received a sentence of 37 to 46 months. The U.S. Court of Appeals for the Seventh Circuit vacated and remanded

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						the sentence.
Child Pornography	27-Sep-04	<i>U.S. v. David Hilton</i> , 03-1741, 386 F.3d 13	One count of possession of computer disks, tapes, and other material that contained three or more images of child pornography that had been transported via the Internet in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	40 months of imprisonment	The defendant sought and was granted post-conviction relief in light of the Supreme Court's decision in <i>Ashcroft v. Free Speech Coalition</i> , 535 U.S. 234. The government appealed. The U.S. Court of Appeals for the First Circuit affirmed the grant of relief vacating the defendant's conviction because the habeas court correctly held that the trial court did not find every element of the crime.
Child Pornography	25-Oct-04	<i>U.S. v. John Patrick Farrelly</i> , 03-5825/5928	Charged with one count of receiving child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A) and one count of possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Jury found him guilty of count one (receipt) and acquitted him of count two (possession).	57 months of imprisonment	The defendant appealed the conviction and sentence. The U.S. Court of Appeals for the Sixth Circuit court affirmed his conviction but reversed and remanded the case for resentencing.

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Child Pornography	3-Dec-04	<i>U.S. v. Gary Belflower</i> , 04-1450, 390 F.3d 560	One count of knowingly transporting in interstate commerce, by means of a computer, visual depictions of minors engaged in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(1) and (b)(1); and one count of possession of visual depictions of minors engaged in sexually explicit conduct, in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	63 months of imprisonment for count one and 60 months for count two, with the terms running concurrently. The Presentence Report recommended a four-level enhancement to Belflower's offense level, to which Belflower objected. The court overruled his objection.	Belflower appealed the enhancement of his sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed his sentence. A rehearing was denied.
Child Pornography	3-Dec-04	<i>U.S. v. Jorge L. Pabon-Cruz</i> , 03-1457, 391 F.3d 86	Advertising and distributing child pornography over the Internet in violation of 18 U.S.C. § 2251(c)(1)(A) and 18 U.S.C. § 2252A(a)(2)(B)	Convicted	120 months of imprisonment	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Second Circuit affirmed the conviction, vacated the sentence, and remanded for resentencing.
Child Pornography	8-Dec-04	<i>U.S. v. Michael Wayne Granger</i> , 03-4183, 117 Fed.	Transporting and shipping images of child pornography	Pleaded guilty	180 months of imprisonment, three years of	The defendant challenged the condition forbidding

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		Appx. 247	contained on computer diskettes and stored on the hard drive of a computer in violation of 18 U.S.C. § 2252A(a)(1)		supervised release with conditions, including severe limits on the use of computers	him to use any computer attached to a network, arguing that the condition was overbroad. The U.S. Court of Appeals for the Fourth Circuit disagreed and affirmed the sentence.
Child Pornography	15-Dec-04	<i>U.S. v. James F. Bidwell</i> , 03-14790, 393 F.3d 1206	The state of Georgia charged the defendant with 10 counts of sexual abuse in violation of state code; the U.S. Government charged the defendant with one count of sexual exploitation of a child in violation of 18 U.S.C. § 2251(a) and two counts of transporting child pornography in violation of 18 U.S.C. § 2252A(a)(1)	Convicted	The State of Georgia sentenced the defendant to 30 years of imprisonment. The District Court for the Northern District of Georgia sentenced the defendant to 15 years of imprisonment, to run consecutively to his state sentence.	The defendant appealed his sentences, arguing that the district court erred in ordering his federal sentence to run consecutively with his state sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentences.
Child Pornography	23-Dec-04	<i>U.S. v. Michael Aaron Wilson</i> , 04-30002, 119 Fed. Appx. 117	Production of child pornography in violation of 18 U.S.C. § 2251(a)	Convicted	15 years of imprisonment	The defendant appealed his conviction and sentence on the grounds that the search of his computer exceeded the scope of

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						<p>the warrant and that the district court erred in imposing a 15-year mandatory minimum sentence based on a prior state conviction that had been expunged. The U.S. Court of Appeals for the Ninth Circuit affirmed the conviction and sentence.</p>
Child Pornography	27-Jan-05	<i>U.S. v. Lawrence Antelope</i> , 03-30334 and 03-30557	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	Five years of probation initially, then 30 months in prison; resented to 20 months in prison followed by three-year term of supervised release with conditions	The defendant and the government appealed the initial sentence. With appeal pending, the district court revoked the sentence for defendant’s failure to comply with several probation conditions and sentenced him to 30 months in prison. The defendant again appealed. The U.S. Court of Appeals for the Ninth Circuit reversed in part and remanded the case for resentencing, which resulted in a 20-month prison term followed

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						by three-years of supervised release. The defendant continued to appeal; ultimately, the appellate court reversed the district court decision to revoke supervised release, vacated and remanded the imposition of a release term prohibiting access to any pornographic materials, and affirmed the release term prohibiting access to any online computer service.
Child Pornography	9-Feb-05	<i>U.S. v. Christopher Surdow</i> , 04-2459-cr, 121 Fed. Appx. 898	Distributing, attempting to receive, and possessing child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A) and (5)(B)	Convicted	Not stipulated	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Second Circuit affirmed the conviction and remanded for further sentencing procedures.
Child Pornography	14-Mar-05	<i>U.S. v. Dale Robert Bach</i> , 04-	All counts committed in interstate or foreign	Convicted of possessing visual	180 months of imprisonment on	Defendant appealed, arguing there was no



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		1211, 400 F.3d 622	commerce: 1) possessing visual depictions produced using a minor engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(4); 2) possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5); 3) transmitting child pornography in violation of 18 U.S.C. § 2252A(a)(1); 4) transmitting a visual depiction produced using a minor engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(1); 5) receiving visual depictions produced using a minor engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(2); 6) receiving child pornography in violation of 18 U.S.C. § 2252A(a)(2); 7)	depictions of a minor engaged in sexually explicit activity, transporting such an image, using a minor to produce such material, receipt of child pornography, all in interstate or foreign commerce	the manufacturing count; 121 months on each of three other counts, to run concurrently	probable cause for searching his residence; that his convictions were constitutionally infirm; and the district court erred when it applied a mandatory minimum sentence on the manufacturing count. The Court of Appeals for the Eighth Circuit affirmed district court and denied a rehearing. U.S. Supreme Court: certiorari denied.

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			employing a minor to produce visual depictions involving sexually explicit conduct in violation of 18 U.S.C. § 2251(a); forfeiture			
Child Pornography	16-Mar-05	<i>David J. Oakes v. U.S.</i> , 02-2640, 400 F.3d 92	Knowingly receiving child pornography and knowingly possessing child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A) and (5)(B)	Pleaded guilty to one of the two counts	54 months of imprisonment	The defendant appealed a dismissal of his petition to vacate his conviction and sentence. The U.S. Court of Appeals for the First Circuit vacated the judgment and remanded the case for further proceedings. Subsequently, post-conviction relief was denied on remand at <i>U.S. v. Oakes</i> , 2006 U.S. Dist. LEXIS 2195 (D. Me., Jan. 20, 2006).
Child Pornography	22-Mar-05	<i>U.S. v. Eric Neil Angevine</i> , 04-6143, 124 Fed. Appx. 632	Two-count indictment charged Angevine with possession of child pornography on his computer at his place of employment in violation of 18 U.S.C.	Conditional guilty plea to count 2	51 months of incarceration; \$18,000 fine; three years of supervised released; \$100 special assessment	Defendant appealed, arguing that the results of the search of his computer should have been suppressed; this motion was denied and then affirmed, and the

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			§ 2252A(a)(5)(B).			U.S. Supreme Court denied certiorari. The defendant-appellant then appealed to vacate his sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence.
Child Pornography	30-Mar-05	<i>U.S. v. Timothy Wales</i> , 04-8071, 127 Fed. Appx. 424	One count of attempting to entice a minor to engage in illegal sexual activity in violation of 18 U.S.C. § 2422(b) and one count of attempted child sexual exploitation in violation of 18 U.S.C. § 2251(a) and (d)	Convicted	180 months of imprisonment on first count and 188 months on second count, served concurrently; three-year term of supervised release; \$250 fine; \$100 special assessment	The defendant appealed his conviction. The U.S. Court of Appeals for the Tenth Circuit affirmed.
Child Pornography	11-Apr-05	In Re: <i>Grand Jury Subpoena Duces Tecum to John Doe 1, John Doe 1</i> , and In Re: <i>Grand Jury Subpoena Duces Tecum to John Doe 2, John Doe 2</i> , 05-Mc-014, 05-MC-015, 368 F. Supp. 2d 846	John Doe petitioners were served with subpoenas <i>duces tecum</i> to testify before a federal grand jury and to bring records pertaining to performers used in certain films, in violation of 18 U.S.C. § 2257.	Motion to quash subpoenas	Not stipulated	Petitioners moved to quash the subpoenas, arguing that they violated their Fifth Amendment rights to be free from self-incrimination. The court decided that the Fifth Amendment privilege against self-incrimination did not apply to records that

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						<p>were required to be kept pursuant to a valid regulatory scheme. However, this required records exception only applied where the purpose of the government’s inquiry was regulatory, and not criminal. 18 U.S.C. § 2257 was not regulatory, but rather part of a comprehensive, criminal enforcement scheme enacted to combat child pornography. The court granted the motion to quash.</p>
Child Pornography	19-Apr-05	<i>U.S. v. James Riccardi</i> , 03-3132, 405 F.3d 852	Two counts of possessing child pornography in violation of 18 U.S.C. § 2252(a)(4)(B) and two counts of attempting to persuade, entice, or coerce a minor to engage in illegal sex acts in violation of 18 U.S.C. § 2422(b)	Convicted	262 months in prison	The defendant appealed. The U.S. Court of Appeals for the Tenth Circuit affirmed. U.S. Supreme Court: certiorari denied and post-conviction relief denied.

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Child Pornography	19-Apr-05	<i>U.S. v. Thomas M. Cunningham</i> , 03-3006, 405 F.3d 497	One count of producing child pornography in violation of 18 U.S.C. § 2251(a)	Convicted	210 months of imprisonment	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Seventh Circuit affirmed the conviction and sentence.
Child Pornography	1-Jun-05	<i>U.S. v. Paul Cieslowski</i> , 03-2893, 410 F.3d 353	10-count indictment violating 18 U.S.C. §§ 2251(a), 2252A(a)(5)(B), and 2252A(a)(2)(A). Separate indictment in Circuit Court of DuPage County, Illinois on charges of predatory criminal sexual assault and possession of child pornography stemming from same facts and circumstances alleged in the federal indictment.	Pleaded guilty in federal case to one count engaging in sexually explicit conduct with a minor for the purpose of producing visual depictions, in exchange for government's dismissal of other nine counts.	210 months of imprisonment as agreed upon in plea agreement	The defendant appealed his sentence. The U.S. Court of Appeals for the Seventh Circuit affirmed the conviction and sentence.
Child Pornography	9-Jun-05	<i>U.S. v. Donald Ray Williams</i> , 04-6191, 411 F.3d 675	Receipt or distribution of child pornography in violation of 18 U.S.C. § 2252(a)(2) and possession of child pornography in	Pleaded guilty	Not stipulated	The defendant appealed his sentence. The U.S. Court of Appeals for the Sixth Circuit remanded the case for resentencing.

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			violation of 18 U.S.C. § 2252(a)(4)(B)			
Child Pornography	15-Jun-05	<i>U.S. v. Martin Garcia</i> , 04-8012, 411 F.3d 1173	Charged with interstate transportation of child pornography, in violation of 18 U.S.C. § 2252A(a)(1) and (b)(1)	Pleaded guilty	97 months of imprisonment after applying two sentence enhancements and one sentence reduction	The defendant appealed his sentence on the grounds that the district court erred in two instances regarding the sentencing guidelines and that his sentence was unconstitutional in light of <i>U.S. v. Booker</i> . The U.S. Court of Appeals for the Tenth Circuit rejected the defendant's arguments with regard to the sentencing guidelines but ruled that there was indeed an error under <i>Booker</i> . The case was vacated in light of <i>Booker</i> and remanded to the district court for resentencing.
Child Pornography	23-Jun-05	<i>U.S. v. Hector Vasquez</i> , 03-10268 and 04-10148, 137 Fed. Appx. 44	Multiple counts of possession and distribution of child pornography (exact number unclear; at least 30 counts)	Convicted	Not stipulated	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Ninth Circuit

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						affirmed the convictions but remanded for resentencing. The district court determined not to resentence. The appellate court affirmed the district court's determination in the defendant's appeal after remand ( <i>U.S. v. Vasquez</i> 200 Fed. Appx. 675).
Child Pornography	24-Jun-05	<i>U.S. v. Robert A. Noda</i> , 04-3274, 137 Fed. Appx. 856	Aiding and abetting the receipt and the possession of child pornography by computer in violation of 18 U.S.C. § 2252(a)	Convicted	Unclear; a two-level enhancement was applied at sentencing	The defendant appealed his convictions. The U.S. Court of Appeals for the Sixth Circuit affirmed the convictions but vacated the sentence because it had been imposed in violation of the Sixth Amendment. The appellate court remanded the case for resentencing.
Child Pornography	28-Jun-05	<i>U.S. v. Kenneth Hamilton</i> , 04-4091, 413 F.3d 1138	Transporting child pornography in interstate commerce in violation of 18 U.S.C.	Convicted	24 months of imprisonment	The defendant filed a post-verdict motion for the judgment of acquittal, which the

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			§ 2252A(a)(1)			district court denied. Following sentencing, the defendant appealed. The U.S. Court of Appeals for the Tenth Circuit affirmed the conviction. Subsequently, post-conviction relief was denied February 25, 2008.
Child Pornography	29-Jun-05	<i>U.S. v. Gerald Bailey</i> , CR-04-89-B-W, 377 F. Supp. 2d 268	Possession of child pornography in violation of 18 U.S.C. § 2252(a)(5)(B)	Pleaded guilty	Unclear	Defendant entered a Motion for Downward Departure for Aberrant Behavior, which the U.S. District Court for the District of Maine denied.
Child Pornography	29-Jun-05	<i>U.S. v. Brian Bass</i> , 04-6049, 411 F.3d 1198	Five counts of knowing possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	37 months of imprisonment and three years of supervised release (vacated on appeal)	The U.S. Court of Appeals for the Tenth Circuit affirmed the defendant's convictions but remanded the case for resentencing. U.S. Supreme Court: certiorari denied.
Child Pornography	30-Jun-05	<i>U.S. v. Donald Daye Storer</i> , 04-2868, 413 F.3d	Possession of child pornography in violation of 18 U.S.C.	Pleaded guilty	240 months of imprisonment	The defendant appealed his sentence. The U.S. Court of



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		918	§ 2252A(a)(5)(B)			Appeals for the Eighth Circuit vacated the sentence and remanded for resentencing, guided by <i>U.S. v. Booker</i> , 543 U.S. 220.
Child Pornography	5-Jul-05	<i>U.S. v. Larry G. Rowe</i> , 04-1142-cr, 414 F.3d 271	Advertising to receive, exchange, or distribute child pornography in violation of 18 U.S.C. § 2251(c) (now designated 2251(d))	Convicted	10 years of imprisonment	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Second Circuit affirmed the conviction, vacated the sentence, and remanded for resentencing.
Child Pornography	12-Jul-05	<i>U.S. v. John D. Ohlinger</i> , 03-3380, 141 Fed. Appx. 470	Transporting in interstate commerce a visual depiction of a minor engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(1)	Pleaded guilty	360 months of imprisonment	The defendant appealed his sentence and under a limited remand pursuant to <i>U.S. v. Paladino</i> , 401 F.3d 471 (7th Cir. 2005), the district judge reported he would have imposed the same sentence under an advisory guidelines regime. The U.S. Court of Appeals for the Seventh Circuit

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						affirmed the sentence. The defendant then filed a petition for a rehearing. The appellate court again affirmed the sentence. Post-conviction relief denied at <i>Ohlinger v. U.S.</i> , 2007 U.S. Dist. LEXIS 5930 (W.D. Wis., Jan. 26, 2007).
Child Pornography	15-Jul-05	<i>U.S. v. Gary Foster</i> , 04-1089, 139 Fed. Appx. 286	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	51 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the First Circuit affirmed the sentence.
Child Pornography	10-Aug-05	<i>U.S. v. Francis Mackey Davison, III</i> , 04-13428, 146 Fed. Appx. 331	Possessing child pornography in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2)	Pleaded guilty	120 months of imprisonment	The defendant appealed his sentence, arguing that the district court erred by imposing an enhanced sentence based on a prior state conviction for lewd conduct, which was not charged in the indictment. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence. Post-conviction relief

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						denied at <i>Davison v. U.S.</i> , 2008 U.S. Dist. LEXIS 11852 (M.D. Fla., Feb. 19, 2008).
Child Pornography	17-Aug-05	<i>U.S. v. Douglas Iles Jr.</i> , 2:05cr48, 384 F.Supp. 2d 901	Knowingly transporting child pornography by computer in interstate commerce in violation of 18 U.S.C. § 2252A(a)(1)	Pleaded guilty	63 months of imprisonment (two-level enhancement for distribution of child pornography)	N/A
Child Pornography	17-Aug-05	<i>U.S. v. Michael McCutchen</i> , 04-3498, 419 F.3d 1122	Knowingly possessing child pornography transported in interstate commerce by computer in violation of 18 U.S.C. § 2252(a)(4)(B) and knowingly and intentionally receiving child pornography transported in interstate commerce by computer in violation of 18 U.S.C. § 2252(a)(2)	Pleaded guilty to possession charge	120 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Tenth Circuit affirmed.
Child Pornography	18-Aug-05	<i>U.S. v. Willie Coreas</i> , 03-1790-cr, 419 F.3d 151	10 counts of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	Concurrent terms of 27 months of imprisonment for each count	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for

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						the Second Circuit affirmed the conviction, but remanded for further proceedings consistent with <i>U.S. v. Crosby</i> , 397 F.3d 103 (2d Cir. 2005).
Child Pornography	4-Oct-05	<i>U.S. v. David T. Mark</i> , 04-3737, 425 F.3d 505	Possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty	30 months of imprisonment followed by three years of supervised release with special conditions	The defendant appealed his sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed the prison term but remanded the case for further proceedings, finding the record insufficient to uphold the special condition concerning access to the Internet.
Child Pornography	7-Oct-05	<i>U.S. v. Douglas Long</i> , 04-1721, 425 F.3d 482	One count of possession of child pornography and one count of criminal forfeiture in violation of 18 U.S.C. § 2252A(a)(5)(B) and 18 U.S.C. § 2253	Pleaded guilty	96 months of imprisonment and criminal forfeiture of specified property	The defendant appealed his sentence and the denial of his motion to suppress. The U.S. Court of Appeals for the Seventh Circuit affirmed the denial of the defendant's motion to suppress and the calculations under the

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						sentencing guidelines, but ordered a limited remand regarding the sentence.
Child Pornography	14-Oct-05	<i>U.S. v. Harry Dale Peterson</i> , 04-4326, 145 Fed. Appx. 820	One count of knowingly possessing images of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	27 months of imprisonment and three years of supervised release	The defendant’s attorney filed a brief raising the issue of whether the sentence was unconstitutional in light of <i>Blakely v. Washington</i> . The U.S. Court of Appeals for the Fourth Circuit affirmed the sentence.
Child Pornography	1-Nov-05	<i>U.S. v. Jason M. Moriarty</i> , 04-13683, 429 F.3d 1012	One count of attempting to receive and receiving with intent to sell child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A), (a)(4)(B), and (b)(1); one count of attempting to possess and possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2); and one count of receiving and possessing with intent to distribute an	Pleaded guilty	20 years of imprisonment; lifetime term of supervised release; \$300 fine	The defendant appealed his sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed in part, vacated in part, and remanded.

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			obscene visual depiction of a minor engaging in sexually explicit conduct in violation of 18 U.S.C. §1466A(a)(1) and (2)			
Child Pornography	9-Nov-05	<i>U.S. v. Stanley Howard Sims</i> , 03-2151 and 03-2177, 428 F.3d 945	1) attempting to coerce and entice a minor to engage in sexual acts; 2) traveling in interstate commerce for purpose of engaging in sexual acts with a minor; 3) transporting material involving exploitation of minors; 4) receiving material involving the sexual exploitation of minors, in violation of 18 U.S.C. §§ 2241(c), 2252(a)(1), and 2252(a)(2)	Convicted of counts one, two, and three; the district court entered a judgment of acquittal on count four.	37 months of imprisonment and a \$10,000 fine	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Tenth Circuit affirmed the conviction but reversed his sentence and remanded the case for resentencing.
Child Pornography	14-Nov-05	<i>U.S. v. Jade Destio</i> , 04-3110, 153 Fed. Appx. 888	One count of possessing visual depictions of minors engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(4)(B); one count of production of child pornography in	Pleaded guilty to count two; count one dismissed according to plea agreement	36-month prison term	The defendant appealed his conviction and sentence on multiple grounds. The U.S. Court of Appeals for the Third Circuit affirmed judgment of district court.

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			violation of 18 U.S.C. § 2251(a)			
Child Pornography	23-Nov-05	<i>U.S. v. Dennis Lane Goff</i> , 05-50230, 155 Fed. Appx. 773	Five counts of shipping or transporting visual depictions of minors engaging in sexually explicit conduct; nine counts of receiving such depictions; and one count of possession of such depictions, in violation of 18 U.S.C. § 2252(a)(1), (a)(2), and (a)(4)(A)	Convicted	Concurrent 120 months of prison terms and concurrent three years of supervised release	The defendant appealed, arguing that there was insufficient evidence to support his convictions. The U.S. Court of Appeals for the Fifth Circuit affirmed the convictions.
Child Pornography	25-Nov-05	<i>U.S. v. John A. Shafer</i> , 04-3101, 429 F.3d 789	Three offenses in violation of 18 U.S.C. § 2252(a)(1), (2), and (4)	Pleaded guilty	Initially sentenced to 137 months of imprisonment to run consecutively to an undischarged state sentence (life plus seven years) resulting from a 53-count (defendant pleaded guilty to 31 counts) indictment of rape, incest, sodomy, and child abuse charges. The defendant raised a	The defendant appealed. The U.S. Court of Appeals for the Eighth Circuit affirmed the 137-month sentence.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
					<i>Blakely</i> objection at the sentencing hearing, to which the district court responded with an alternative consecutive sentence of 180 months, which would make him eligible for parole in 13 years.	
Child Pornography	1-Dec-05	<i>U.S. v. Jimmy Dwayne Morell</i> , 05-1586, 429 F.3d 1161	One count of possession of child pornography in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2256(2), (8)(a)	Pleaded guilty	92 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed the sentence.
Child Pornography	19-Dec-05	<i>U.S. v. Jan Elijah Rogers</i> , 05-1455-cr, 165 Fed. Appx. 873	Two counts of advertising to receive, exchange, and distribute child pornography in violation of 18 U.S.C. § 2251 and one count of transporting child pornography by computer in violation of 18 U.S.C. § 2252A	Convicted	20 years of imprisonment; lifetime term of supervised release; \$300 fine	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Second Circuit affirmed the judgment of the district court. U.S. Supreme Court: certiorari denied.
Child Pornography	21-Dec-05	<i>U.S. v. David Stephenson</i> , 04-	Two counts of transmitting images of	Pleaded guilty to count one,	108 months of imprisonment and	The defendant appealed his sentence.



Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		1519, 159 Fed. Appx. 50	child pornography in interstate commerce and one count of possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(1) and (a)(5)(B)	government dismissed counts two and three	five years of supervised release	The U.S. Court of Appeals for the Tenth Circuit remanded the case for resentencing.
Child Pornography	28-Dec-05	<i>Free Speech Coalition, et al. v. Alberto Gonzales</i> , 05-cv-01126-WDM-BNB, 406 F. Supp. 2d 1196	Plaintiffs, an adult entertainment association, movie producer, and distributor, filed a motion for a preliminary injunction against the enforcement of 18 U.S.C. § 2257(h) by defendant Attorney General of the United States (AG) in violation of their privacy and First Amendment rights.	Enjoin enforcement	Not stipulated	The court held the statute was not enforceable as to secondary producers who had no contact with performers. The court granted in part the motion for a preliminary injunction, conditioned on bond, and enjoined the AG from enforcing the statute and regulations against the distributor, producer, and association members to the extent they did not have direct contact with performers.
Child Pornography	6-Jan-06	<i>U.S. v. Thomas Mickelson</i> , 05-2324, 433 F.3d 1050	1) receiving child pornography in violation of 18 U.S.C. § 2252(a)(2)(A); 2) possessing child	Pleaded guilty to count one	51 months of imprisonment followed by three years of supervised release	The defendant appealed his sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			pornography in violation of 18 U.S.C. § 2252(a)(4)(B)		with conditions	
Child Pornography	12-Jan-06	<i>U.S. v. Randall Steven Eichert</i> , 05-50288, 168 Fed. Appx. 151	One count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Conditional guilty plea to count two	Not stipulated	The defendant filed a motion to suppress seized evidence, which was denied. The defendant appealed. The U.S. Court of Appeals for the Ninth Circuit affirmed the denial.
Child Pornography	18-Jan-06	<i>U.S. v. Donald Woodward</i> , 01-1734, 277 F.3d 87	One count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2); seven counts of receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2) and (b)(1); and one count of possession of a firearm by a felon	Pleaded guilty	135 months of imprisonment	The defendant appealed his sentence, arguing that the district court erroneously applied a five-level enhancement for engaging in a pattern of sexual exploitation. The U.S. Court of Appeals for the First Circuit affirmed.
Child Pornography	19-Jan-06	<i>U.S. v. Leland Doyle Wollet</i> , 03-5113, 164 Fed. Appx. 672	One count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Convicted	30 months of imprisonment followed by three years of supervised release	The defendant signed a waiver of his right to appeal at the close of his jury trial, but the waiver was never filed and cannot be located.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
						He served his prison sentence and began his period of supervised release, during which he filed a motion to correct or vacate his sentence as well as requested the court to take notice of <i>Ashcroft v. Free Speech Coalition</i> , 535 U.S. 234 (2002). The district court denied his motion and denied a certificate of appealability. The U.S. Court of Appeals for the Tenth Circuit affirmed.
Child Pornography	20-Jan-06	<i>U.S. v. John Clark Machtley III</i> , 05-13520, 163 Fed. Appx. 837	Knowingly possessing a computer hard drive containing more than three images of child pornography that had been mailed, shipped, or transported in interstate commerce in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	27 months of imprisonment and three years of supervised release	The defendant appealed his conviction. The U.S. Court of Appeals for the Eleventh Circuit affirmed the conviction.
Child Pornography	2-Feb-06	<i>U.S. v. Clifton L. Tidwell</i> , 05-7018, 2006 U.S. App.	One count of transportation of child pornography in	Pleaded guilty to count two (possession);	27 months of imprisonment	The defendant appealed his sentence. The U.S. Court of

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		LEXIS 2752	violation of 18 U.S.C. § 2252A(a)(1) and one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	government dismissed count one (transportation).		Appeals for the Tenth Circuit reversed and remanded for resentencing.
Child Pornography	3-Feb-06	<i>U.S. v. Robert Wachowiak, Jr.</i> , 05-CR-22, 412 F. Supp. 2d 958	Receiving child pornography in violation of 18 U.S.C. § 2252(a)(2)	Pleaded guilty	70 months of imprisonment followed by the maximum supervised release term with conditions regarding contact with children and use of computers	N/A
Child Pornography	8-Feb-06	<i>U.S. v. Anthony Vincent Robinson</i> , 05-5032, 165 Fed. Appx. 690	12-count indictment including one count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2)	Pleaded guilty to one count of possession in an agreement in which he waived his right to appeal the district court's sentence if the sentence was within the applicable guideline range, and the government agreed to dismiss remaining 11	80 months of imprisonment followed by three years of supervised release	The defendant appealed his sentence. The U.S. Court of Appeals for the Tenth Circuit enforced the defendant's waiver of appellate rights and dismissed his appeal.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
				counts.		
Child Pornography	10-Feb-06	<i>U.S. v. Richard Edward Brillhart</i> , 04-15393, 166 Fed. Appx. 447	Possession of materials involving the sexual exploitation of a minor in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2)	Pleaded guilty	240 months of imprisonment	The defendant appealed his sentence, arguing the district court erred in not applying an offense level reduction for acceptance of responsibility. The U.S. Court of Appeals for the Eleventh Circuit affirmed in part, vacated in part and remanded.
Child Pornography	13-Feb-06	<i>U.S. v. Vincent McCaffrey</i> , 03-2189, 437 F.3d 684	Receiving an image of child pornography that was transported in interstate commerce in violation of 18 U.S.C. § 2252A(a)(2)(A) and possessing images of child pornography that were transported in interstate commerce in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty to both counts	240 months of imprisonment	The defendant appealed his sentence, claiming that the district court improperly double-counted the same behavior to justify two separate upward departures. The U.S. Court of Appeals for the Seventh Circuit affirmed the sentence.
Child Pornography	14-Feb-06	<i>U.S. v. Kerby Gross</i> , 05-1583, 437 F.3d 691	One count of knowingly distributing child pornography through interstate commerce in violation	Pleaded guilty	15 years of imprisonment	The defendant appealed his sentence, arguing that applying the mandatory minimum sentence to

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			of 18 U.S.C. § 2252A(a)(2)(A)			him constituted cruel and unusual punishment in violation of the Eighth Amendment. The U.S. Court of Appeals for the Seventh Circuit affirmed the sentence. U.S. Supreme Court: certiorari denied.
Child Pornography	7-Mar-06	<i>U.S. v. Brent Lee Croxford</i> , 04-4158, 170 Fed. Appx. 31	1) coercing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of the conduct in violation of 18 U.S.C. § 2251(a); 2) possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	148 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Seventh Circuit affirmed the sentence.
Child Pornography	10-Mar-06	<i>U.S. v. Stephen Grimmett</i> , 05-3030, 439 F.3d 1263	Producing child pornography in violation of 18 U.S.C. § 2251(a); possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	Concurrent 10-year prison terms and three-year terms of supervised release	The defendant appealed the district court's denial of his motion to suppress evidence and challenged the constitutionality of 18 U.S.C. 2251. The U.S. Court of Appeals for the Tenth Circuit affirmed the district

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
						court's decisions.
Child Pornography	13-Mar-06	<i>U.S. v. Loren Samuel Williamson</i> , 05-30150, 439 F.3d 1125	Transmission of child pornography in violation of 18 U.S.C. § 2252A(a)(1)	Convicted	180 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Ninth Circuit affirmed the sentence.
Child Pornography	23-Mar-06	<i>U.S. v. Timothy Chambers</i> , 02-5865, 441 F.3d 438	10 counts of transportation of child pornography via computer in violation of 18 U.S.C. § 2252(a)(1); one count of transporting a minor across state lines for the purpose of criminal sexual activity; one count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Convicted on all counts	Life in prison	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Sixth Circuit affirmed the convictions but vacated his sentence and remanded the case for resentencing.
Child Pornography	24-Mar-06	<i>U.S. v. Nicholas Grigg</i> , 05-2484, 442 F.3d 560	Possession of computer video and image files depicting minors engaged in sexually explicit activity in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty	37-month prison term and two years of supervised release	The defendant appealed his sentence. The U.S. Court of Appeals for the Seventh Circuit remanded the case for resentencing.

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Child Pornography	28-Mar-06	<i>U.S. v. Allan C. Muga</i> , 03-4074, 441 F.3d 622	Using a minor to engage in sexually explicit conduct for the purpose of producing a visual image, with the use of materials shipped in interstate commerce in violation of 18 U.S.C. § 2251(a) and knowing possession of child pornography produced with interstate materials in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	240 months of imprisonment, three-year term of supervised release, \$4,500 restitution to defendant's wife for wages lost when she was fired as a result of his conduct, \$100 special assessment	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed his conviction and sentence. The U.S. Supreme Court granted certiorari and remanded the case for further proceedings in light of <i>U.S. v. Booker</i> , 543 U.S. 220. The appellate court affirmed the judgment of the district court.
Child Pornography	5-Apr-06	<i>U.S. v. James E. MacEwan</i> , 05-1421, 445 F.3d 237	Three counts of receiving child pornography in violation of 18 U.S.C. § 2252A(a)(2)(B)	Pleaded guilty to count three; went to jury trial for counts one and two; found guilty of count two	15 years of imprisonment; sentence based on defendant's prior conviction on a similar charge, for which he was serving five years of probation	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Third Circuit affirmed the convictions and sentence.
Child Pornography	7-Apr-06	<i>U.S. v. Victor M. Gonzalez</i> , 05-40950, 445 F.3d 815	Knowingly possessing a computer containing 10 or more images of child pornography in violation of 18 U.S.C.	Pleaded guilty	87 months of imprisonment, lifetime term of supervised release	The defendant challenged several enhancements to his sentence. The U.S. Court of Appeals for



Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			§§ 2252A(a)(5)(B), 2252A(b)(2), and 2256(8)(A)			the Fifth Circuit vacated the sentence and remanded the case.
Child Pornography	18-Apr-06	<i>U.S. v. William H. Hayes</i> , 05-2321-cr, 445 F.3d 536	One count of knowingly transporting child pornography in interstate commerce in violation of 18 U.S.C. § 2252A	Pleaded guilty	151 months of imprisonment and a lifetime term of supervised release	The defendant challenged the lifetime term of supervised release. The U.S. Court of Appeals for the Second Circuit affirmed the sentence.
Child Pornography	20-Apr-06	<i>U.S. v. James Maxwell</i> , 03-14326, 446 F.3d 1210	Two counts of knowingly possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	Not stipulated	The defendant appealed his conviction on the grounds that it was unconstitutional. The U.S. Court of Appeals for the Eleventh Circuit reversed and vacated the conviction, but on remand from the U.S. Supreme Court, the appellate court affirmed the district court's judgment of conviction. Subsequent rehearings were denied. U.S. Supreme Court: certiorari denied.

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Child Pornography	24-Apr-06	<i>U.S. v. Joseph C. Bledsoe</i> , 04-4276, 177 Fed. Appx. 311	Knowingly publishing a notice over the Internet offering to exchange child pornography in violation of 18 U.S.C. § 2251(d)	Convicted	Not stipulated	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Fourth Circuit affirmed the conviction and sentence.
Child Pornography	24-Apr-06	<i>U.S. v. Eric Richard Wise</i> , 05-10195, 447 F.3d 440	Seven counts of production of child pornography in violation of 18 U.S.C. § 2251(a), one count of enticement of a child in violation of 18 U.S.C. § 2422(b)	Pleaded guilty	168 months of imprisonment (includes violations of other laws)	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Fifth Circuit affirmed the conviction and sentence.
Child Pornography	25-Apr-06	<i>U.S. v. Charles M. Hair</i> , 04-14793, 178 Fed. Appx. 879	Three counts of attempting to transport and transporting child pornography in interstate commerce in violation of 18 U.S.C. § 2252A(a)(1); and one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	365 months of imprisonment or, alternatively, 660 months if Federal Sentencing Guidelines were declared unconstitutional (the district court announced Hair's sentence after the Supreme Court's decision in <i>Blakely v. Washington</i> ,	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the conviction on all counts but vacated the sentence and remanded for resentencing.

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					which called the constitutionality of the guidelines into question, but before the Supreme Court ruled that their mandatory application was constitutional in <i>U.S. v. Booker</i> .	
Child Pornography	26-Apr-06	<i>U.S. v. Francis Barevich</i> , 05-2879, 445 F. 3d 956	Transporting a visual depiction of a minor engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(1)	Pleaded guilty	76 months of imprisonment and two years of supervised release	The defendant challenged sentencing enhancements applied by the district court. The U.S. Court of Appeals for the Seventh Circuit affirmed the sentence.
Child Pornography	28-Apr-06	<i>U.S. v. John B. Baker</i> , 05-2499, 445 F. 3d 987	Two counts of distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(1) and one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty to one count of distributing child pornography in exchange for the dismissal of remaining counts	87 months of imprisonment	The government appealed the sentence because it was below the advisory guidelines range of 108 to 135 months. The U.S. Court of Appeals for the Seventh Circuit affirmed the district court's judgment.
Child Pornography	8-May-06	<i>U.S. v. Natdanai Polchantara</i> , 05-15859, 179 Fed.	Receipt of child pornography in violation of 18 U.S.C.	Pleaded guilty to count one, proceeded to	33 months of imprisonment	The defendant appealed the sentence. The U.S. Court of

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		Appx. 676	§ 2252A(a)(2)(A) and possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	sentencing		Appeals for the Eleventh Circuit affirmed the sentence.
Child Pornography	31-May-06	<i>U.S. v. Kenneth Rayburt Blackwell</i> , 05-6170, 182 Fed. Appx. 812	Four counts of possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	120 months of imprisonment for each count, served concurrently	Prior to trial, the defendant moved to suppress oral and written statements he made to FBI agents, which the district court denied. He appealed that ruling. The U.S. Court of Appeals for the Tenth Circuit affirmed the ruling, thus affirming the judgments of the district court.
Child Pornography	31-May-06	<i>U.S. v. Harold Franklin Walters</i> , 05-15739, 182 Fed. Appx. 944	Possession of child pornography transported in interstate commerce in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	Not stipulated	The defendant appealed his conviction. The U.S. Court of Appeals for the Eleventh Circuit affirmed the conviction.
Child Pornography	1-Jun-06	<i>U.S. v. Jesus Norberto Evans-Martinez</i> , 05-10280, 448 F.3d 1163	1) sexual abuse of a minor; 2) sexual exploitation of minors in violation of 18 U.S.C. § 2251(c) for	Pleaded guilty to all three counts in return for the government's agreement not to	15 years of imprisonment followed by a period of supervised release	The defendant appealed his sentence on the grounds that the district court failed to give him prior notice

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			<p>sending emails advertising the creation of a Yahoo! Group for sharing child pornography; 3) witness tampering</p>	seek additional charges		that it intended to impose a sentence above the applicable, advisory federal sentencing guidelines range, which was a maximum 10 year term. The U.S. Court of Appeals for the Ninth Circuit vacated the sentence and remanded for resentencing.
Child Pornography	7-Jun-06	<i>U.S. v. Wyndell Williams</i> , 05-1985, 183 Fed. Appx. 246	Possessing pornography depicting minors engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty	71 months of imprisonment	The defendant appealed his sentence, challenging the district court's application of a five-level sentence enhancement for "engaging in a pattern of activity involving the sexual abuse or exploitation of a minor." The U.S. Court of Appeals for the Third Circuit affirmed the sentence. U.S. Supreme Court: certiorari denied.
Child Pornography	12-Jun-06	<i>U.S. v. Edward Rosario Polanco</i> , 06-1328, 451 F.3d	Knowingly transporting in interstate and foreign	Pleaded guilty	Five years of imprisonment, five years of	The defendant filed a motion for lack of jurisdiction. The

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		308	commerce visual depictions of minors engaged in sexually explicit conduct in violation of 18 U.S.C. §§ 2252A(a)(1)(B) and 2252A(a)(1)		supervised release, \$300 assessment	District Court of the Virgin Islands denied the motion. The U.S. Court of Appeals for the Third Circuit affirmed.
Child Pornography	13-Jun-06	<i>U.S. v. Michael Johnson</i> , 05-14889, 451 F.3d 1239	Two counts of production of child pornography in violation of 18 U.S.C. § 2251(a); one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B); one count of distribution of child pornography in violation of 18 U.S.C. § 2251A(a)(1)	Pleaded guilty to counts one, two, and four; district court dismissed count three (possession) upon motion of the government.	140 years of imprisonment (50 years for each for counts one and two; 40 years for count four running consecutively)	The defendant appealed his sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence. U.S. Supreme Court: certiorari denied.
Child Pornography	27-Jun-06	<i>U.S. v. Dale Haworth</i> , 05-1988, 187 Fed. Appx. 458	One count each of transportation and shipment of child pornography in violation of 18 U.S.C. § 2252A(a)(1) and one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	Concurrent 41-month prison terms	The defendant appealed, contending that his sentence was unreasonable under <i>U.S. v. Booker</i> . The U.S. Court of Appeals for the Sixth Circuit affirmed the sentence.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
Child Pornography	27-Jun-06	<i>U.S. v. Roger James Sullivan</i> , 05-3161, 451 F.3d 884	One count of knowingly possessing child pornography images that were transported in interstate commerce via the Internet in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	30 months of imprisonment followed by two years of supervised release	The defendant moved to have his indictment dismissed by the district court, arguing that Congress lacked the power to proscribe purely intrastate possession of pornography, regardless of whether the pornography had traveled over the Internet. The district court denied his motion. On appeal, the defendant renewed his constitutional claim. The U.S. Court of Appeals for the District of Columbia Circuit agreed that his argument failed and rejected the defendant's objections to the conditions of his supervised release.
Child Pornography	28-Jun-06	<i>U.S. v. Max Frederick Gray</i> , 05-15209, 453 F.3d 1323	One count of distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A) and (b)(1) and one count of possession of child	Defendant initially pleaded not guilty but changed his plea, pleading guilty to the distribution count only.	72 months of imprisonment	The government appealed the sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2)			
Child Pornography	3-Jul-06	<i>U.S. v. David Scott Guffey</i> , 05-5068, 185 Fed. Appx. 295	Possession of child pornography that had been shipped in interstate commerce in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2)	Pleaded guilty	96 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Fourth Circuit affirmed the sentence. U.S. Supreme Court: certiorari denied.
Child Pornography	11-Jul-06	<i>U.S. v. Mark T. Davis</i> , 05-3738, 452 F.3d 991	Receiving child pornography in violation of 18 U.S.C. § 2252(a)(2)	Pleaded guilty; later moved to change his plea, but motion denied	Three-year term of supervised release with a special condition prohibiting unsupervised contact with females younger than age 18	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed the conviction but modified the condition of supervised release.
Child Pornography	24-Jul-06	<i>U.S. v. Stuart Romm</i> , 04-10648, 455 F.3d 990	Knowingly receiving and knowingly possessing three or more images of child pornography in violation of 18 U.S.C. § 2252A(a)(2) and (a)(5)(B)	Convicted	Concurrent mandatory minimum sentences of 10 to 15 years for each count	The defendant appealed his conviction. The U.S. Court of Appeals for the Ninth Circuit affirmed his conviction but vacated his sentence and remanded for



Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
						resentencing.
Child Pornography	28-Jul-06	<i>U.S. v. Billy Cunningham</i> , 05-8077, 191 Fed. Appx. 670	One count of attempted child exploitation in violation of 18 U.S.C. § 2251(a) and (e)	Pleaded guilty	180 months of imprisonment	The defendant challenged the length of his sentence. The U.S. Court of Appeals for the Tenth Circuit affirmed the sentence.
Child Pornography	1-Aug-06	<i>U.S. v. William McNeal Pountney</i> , 05-8041, 191 Fed. Appx. 679	Production of child pornography in violation of 18 U.S.C. § 2251(a) and (e)	Conditional guilty plea	180 months of imprisonment (includes violations of other laws)	The defendant appealed, challenging the constitutionality of 18 U.S.C. § 2251 after the district court denied his motion to dismiss the production charge for lack of federal jurisdiction. The U.S. Court of Appeals for the Tenth Circuit affirmed.
Child Pornography	11-Aug-06	<i>U.S. v. Justin Barrett Hill</i> , 05-50219, 459 F.3d 966	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty, conditional plea agreement	Not stipulated	The defendant appealed the district court's denial of his motion to suppress evidence. The U.S. Court of Appeals for the Ninth Circuit affirmed the district court's ruling.
Child Pornography	18-Aug-06	<i>U.S. v. Timothy Trent Campbell</i> ,	Receiving child pornography in	Pleaded guilty to receiving charge	Not stipulated	The defendant appealed his

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		05-16149, 193 Fed. Appx. 921	violation of 18 U.S.C. § 2252(a)(2) and possessing child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)			conviction. The U.S. Court of Appeals for the Eleventh Circuit affirmed the conviction.
Child Pornography	21-Aug-06	<i>U.S. v. Philip M. Sebolt</i> , 04-2588, 460 F.3d 910	Using computer to possess, transmit, advertise child pornography in violation of 18 U.S.C. §§ 2252A(a)(1), 2251(d)(1)(A)	Convicted	360 months of imprisonment	The defendant appealed his convictions and sentences. The U.S. Court of Appeals for the Seventh Circuit affirmed the convictions and ordered a limited remand of the sentence.
Child Pornography	14-Sep-06	<i>U.S. v. James Hale Stewart</i> , 05-4425, 462 F.3d 960	Three counts of transmitting and possessing child pornography in violation of 18 U.S.C. §§ 2252A(a)(1) and 2252A(a)(5)(B)	Pleaded guilty to two counts	220 months and 80 months of imprisonment served concurrently	The defendant appealed his sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed the sentence.
Child Pornography	22-Sep-06	<i>U.S. v. William Allen Lane</i> , 06-11886, 2006 U.S. App. LEXIS 24081	Possessing child pornography in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2); transporting child pornography in violation of 18 U.S.C.	Pleaded guilty to count two (transporting); government dismissed count one	240 months of imprisonment	The defendant appealed his conviction. The U.S. Court of Appeals for the Eleventh Circuit affirmed the conviction.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			§ 2252(a)(1) and (b)(2)			
Child Pornography	20-Oct-06	<i>U.S. v. Michael David Flanders</i> , 05-10785, 468 F.3d 269	Charged with six counts of interstate receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A) and one count of possession of child pornography shipped through interstate commerce in violation of 18 U.S.C. § 2252A(a)(5)(B)	After the district court denied his motion to suppress evidence, the defendant conditionally pleaded guilty to one count of possession.	Not stipulated	The defendant appealed his conviction. The U.S. Court of Appeals for the Fifth Circuit affirmed the conviction.
Child Pornography	27-Oct-06	<i>U.S. v. Timothy Wayne Kellogg</i> , 05-6516, 202 Fed. Appx. 96	39 counts of receiving child pornography in violation of 18 U.S.C. § 2252(a)(2); one count of conspiring to receive child pornography in violation of 18 U.S.C. § 2251(c)(1); two counts of possessing child pornography in violation of 18 U.S.C. § 2252(a)(4)(B); one count of permitting a minor to engage in sexually explicit conduct for the purpose of producing	Pleaded guilty	Conditional 120 months of imprisonment	The defendant challenged the admissibility of certain evidence. The U.S. Court of Appeals for the Sixth Circuit affirmed the district court's decisions.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			visual depictions for distribution in interstate commerce in violation of 18 U.S.C. § 2251(d)			
Child Pornography	31-Oct-06	<i>U.S. v. William Santiago</i> , 05-5582-cr, 204 Fed. Appx. 50	Two counts of receiving and distributing materials that contained child pornography in violation of 18 U.S.C. § 2252A(a)(2)(B) and one count of possessing materials that contained child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	Initially 78 months of imprisonment; reduced to 63 months following remand from appellate court pursuant to <i>U.S. v. Booker</i> , 543 U.S. 220	The defendant appealed the amended sentence. The U.S. Court of Appeals for the Second Circuit affirmed the district court's amended judgment. U.S. Supreme Court: certiorari denied.
Child Pornography	24-Nov-06	<i>U.S. v. Michael Shawn McCourt</i> , 06-1018, 468 F.3d 1088	Attempted distribution and attempted receipt of child pornography over the Internet and possession of child pornography in violation of 18 U.S.C. § 2252(a)(2) and (4)	Convicted	120 months of imprisonment	The defendant appealed his conviction. The U.S. Court of Appeals for the Eighth Circuit affirmed the conviction. Writ of certiorari denied.
Child Pornography	27-Nov-06	<i>U.S. v. John Charles Kuchinski</i> , 05-30607, 469 F.3d 853	One count each for receipt and possession of child pornography in violation of 18 U.S.C. § 2252A(a)(2)	Convicted	70 months to run concurrently	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			and (a)(5)(B)			the Ninth Circuit affirmed the convictions but vacated the sentence and remanded for resentencing.
Child Pornography	4-Dec-06	<i>U.S. v. Robert J. Hecht</i> , 05-4939, 470 F.3d 177	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	33 months of imprisonment	The defendant appealed his sentence, arguing that his sentence violated the rationale of <i>U.S. v. Booker</i> and that the district court erroneously increased his offense level for “distribution” of child pornography. The U.S. Court of Appeals for the Fourth Circuit affirmed in part and vacated and remanded the case.
Child Pornography	7-Dec-06	<i>U.S. v. Michael D. Camiscione</i> , 05-4648, 207 Fed. Appx. 631	Possession of child pornography in violation of 18 U.S.C. § 2252(a)(4) and (b)(2)	Pleaded guilty	The district court sentenced the defendant into the custody of the U.S. Marshal’s Office for the remainder of the day, followed by a three-year term of supervised release.	Citing the district court’s failure to address several pertinent factors, the U.S. Court of Appeals for the Sixth Circuit vacated the sentence and remanded the case for resentencing.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
Child Pornography	3-Jan-07	<i>U.S. v. Aaron Shaffer</i> , 06-3145, 472 F.3d 1219	Distribution and possession of child pornography in violation of 18 U.S.C. §§ 2252A(a)(2) and 2252A(a)(5)(B)	Convicted	60 months of imprisonment	The defendant appealed his conviction. The U.S. Court of Appeals for the Tenth Circuit affirmed.
Child Pornography	4-Jan-07	<i>U.S. v. Michael Adam Davidson</i> , 06-12705, 213 Fed. Appx. 769	One count of receiving child pornography, in violation of 18 U.S.C. § 2252A(a)(2) and (b)(1)	Pleaded guilty and convicted	33 months of imprisonment	Government appealed the sentence but the U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence. Davidson then filed a motion for relief from the conviction and sentence, which the district court denied. On appeal, that order was vacated and remanded, with instructions that the district court hold an evidentiary hearing and further consider ineffective assistance of counsel claim. The district court again denied relief, which Davidson appealed but was affirmed. U.S. Supreme Court: certiorari denied.

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Child Pornography	10-Jan-07	<i>U.S. v. Kenneth R. Lunsford</i> , 06-2751, 214 Fed. Appx. 601	Transporting and shipping child pornography in interstate commerce using a computer in violation of 18 U.S.C. § 2252A(a)(1)	Pleaded guilty	420 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Seventh Circuit affirmed the sentence.
Child Pornography	19-Jan-07	<i>U.S. v. Gregory Gilmore</i> , 04 CR 1073(ILG), 470 F. Supp. 2d 233	Producing child pornography of a child under defendant's custody or control in violation of 18 U.S.C. § 2251(b)	Pleaded guilty to one count of a four-count indictment	360 months of imprisonment, five-year term of supervised release, \$100 special assessment	The defendant appealed his sentence. The U.S. District Court for the Eastern District of New York vacated the sentence and remanded the case for resentencing.
Child Pornography	22-Jan-07	<i>U.S. v. Stephan Marc O'Berry</i> , 06-2329, 248 Fed. Appx. 770	Knowingly receiving and possessing child pornography in violation of 18 U.S.C. § 2252(a)(2), (a)(4)(B), (b)(1), and (b)(2)	Convicted	Not stipulated	The defendant appealed his conviction. The U.S. Court of Appeals for the Eighth Circuit affirmed the conviction.
Child Pornography	23-Jan-07	<i>U.S. v. Arnold D. Holland</i> , 06-12805, 214 Fed. Appx. 957	10 counts of receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A)	Pleaded guilty	Unclear; five-level enhancement applied	The defendant appealed his sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence. U.S. Supreme Court: certiorari denied.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
Child Pornography	31-Jan-07	<i>U.S. v. Charles Joseph Polito</i> , 06-30133, 215 Fed. Appx. 354	Two counts of transporting and one count of possessing child pornography in violation of 18 U.S.C. § 2252(a)(1), (2), and (4)(B)	Pleaded guilty to possession; the government dismissed the transportation charges as part of the plea agreement.	Five years of probation including one year of house arrest	The government appealed the sentence on the grounds it was an improper departure under the guidelines. The U.S. Court of Appeals for the Fifth Circuit affirmed.
Child Pornography	23-Feb-07	<i>U.S. v. Walter Bryan Hubbard</i> , 05-10704, 480 F.3d 341	Distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A)	Convicted	97 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Fifth Circuit vacated and remanded for resentencing.
Child Pornography	26-Feb-07	<i>U.S. v. Elizaveta Nikonova</i> , 05-31093, 480 F.3d 371	One count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	31 months of imprisonment	The defendant appealed her conviction. The U.S. Court of Appeals for the Fifth Circuit affirmed.
Child Pornography	27-Feb-07	<i>U.S. v. Clint Manuel McVey</i> , 4:06cr97, 476 F.Supp.2d 560	Receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)	Pleaded guilty	Unclear; included a five-level enhancement	The defendant objected to the five-level enhancement. The U.S. District Court for the Eastern District of Virginia, Newport News Division, denied the defendant's objection.



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Child Pornography	2-Mar-07	<i>U.S. v. Jerry C. Stearns</i> , 05-2550-cr, 479 F.3d 175	One count of possession of child pornography that had been transported in interstate commerce by computer via the Internet in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	10 years of imprisonment, to be served partially concurrently with an undischarged state sentence	The defendant appealed his sentence. The U.S. court of Appeals for the Second Circuit affirmed the judgment of the district court.
Child Pornography	6-Mar-07	<i>U.S. v. Scott A. Lewis</i> , 06-4907, 2007 U.S. App.	Mailing, transporting, or shipping child pornography in interstate commerce by computer in violation of 18 U.S.C. § 2252A(a)(1)	Pleaded guilty	97 months of imprisonment and lifetime term of supervised release	The defendant appealed his sentence. The U.S. Court of Appeals for the Fourth Circuit affirmed the sentence.
Child Pornography	9-Mar-07	<i>U.S. v. Arthur Emil Sinerius Jr.</i> , 06-30327, 504 F.3d 737	Count 1: receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2) and count 2: possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty and agreed to forfeiture of computer	15 years for count one and 10 years for count two	The defendant filed a motion to review his sentence, arguing that a prior conviction for sexual assault should not have been considered a predicate offense. The U.S. Court of Appeals for the Ninth Circuit affirmed the sentence.
Child Pornography	16-Mar-07	<i>U.S. v. Ismael Genao</i> , 06-0573-cr, 224 Fed. Appx. 39	Advertising child pornography in interstate commerce in violation of 18 U.S.C.	Convicted	Not stipulated	The defendant appealed his conviction and sentence and requested

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			§ 2251(c) and transporting child pornography in interstate commerce in violation of 18 U.S.C. § 2252A(a)(1)			a rehearing. The U.S. of Appeals for the Second Circuit affirmed his conviction and sentence and denied a rehearing.
Child Pornography	21-Mar-07	<i>U.S. v. John Davis Locke</i> , 06-40270, 482 F.3d 764	Possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty	Four years of probation with special conditions, prohibiting access to the Internet and viewing, possessing, or obtaining pornography in any form	The defendant appealed the revocation of his probation, arguing that he had been coerced into revealing that he had violated the terms of his probation. The U.S. Court of Appeals for the Fifth Circuit affirmed.
Child Pornography	23-Mar-07	<i>John E. Bednarski v. U.S.</i> , 06-2878, 481 F.3d 530	One count of knowing possession of computer hard drive containing multiple depictions of minors engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(4)(B)	Unconditional guilty plea	70 months of imprisonment	The defendant did not appeal but after one year incarceration filed a petition for habeas corpus relief seeking to vacate his sentence, citing his trial counsel's alleged ineffective assistance. The district court denied the petition and the U.S. Court of Appeals for the Seventh Circuit

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
						affirmed.
Child Pornography	29-Mar-07	<i>U.S. v. Robbie Allen Mauldin</i> , 06-14308, 224 Fed. Appx. 915	Knowingly possessing and attempting to possess images of child pornography that were mailed, shipped, and transported in interstate commerce by any means, including by computer, in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2256(8)(A)	Entered guilty plea with no written plea agreement at a change-of-plea hearing	78 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence.
Child Pornography	11-Apr-07	<i>U.S. v. Javier Perez</i> , 06-50041, 484 F.3d 735	One count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Conditional guilty plea	57 months of imprisonment	The defendant appealed the district courts order denying his motion to suppress evidence and appealed the enhancement of his sentence based on the sadistic/masochistic nature of the images in his possession. The U.S. Court of Appeals for the Fifth Circuit affirmed the district court's judgment. U.S. Supreme Court: certiorari denied.
Child Pornography	12-Apr-07	<i>U.S. v. Evert Meiners</i> , 06-	Four counts of advertisement of child	Pleaded guilty	180 months of imprisonment on	The defendant appealed his sentence

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		30389, 485 F.3d 1211	pornography in violation of 18 U.S.C. § 2251(d); four counts of distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(2); one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)		each advertisement count; 121 months on each distribution count; 120 months on the possession count, served concurrently	under the Eighth Amendment's prohibition against cruel and unusual punishment. The U.S. Court of Appeals for the Ninth Circuit affirmed the sentences.
Child Pornography	17-Apr-07	<i>U.S. v. Dennis M. Mills</i> , 05-5233, 224 Fed. Appx. 232	Knowingly receiving child pornography that had been shipped in interstate commerce in violation of 18 U.S.C. § 2252A(a)(2)(A)	Pleaded guilty	15 years of imprisonment	The defendant appealed. The U.S. Court of Appeals for the Fourth Circuit affirmed the sentence.
Child Pornography	19-Apr-07	<i>U.S. v. Joseph Michael Buchanan</i> , 04-41364, 485 F.3d 274	Four counts of receiving child pornography transported in interstate commerce by computer in violation of 18 U.S.C. § 2252(a)(2) and one count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(A)	Convicted on all five counts	71 months of imprisonment for each of first four counts and 60 months for fifth count, served concurrently; \$5,000 fine; \$100 special assessment for each count	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Fifth Circuit vacated the first four counts and remanded with the instructions to reinstate only one of the convictions and to resentence.
Child Pornography	26-Apr-07	<i>U.S. v. Billy Thomas Phillips</i> ,	Seven charges including conspiracy	Pleaded guilty to three of seven	120 months of imprisonment per	The defendant challenged the district

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		06-5746, 230 Fed. Appx. 520	to possess child pornography in violation of 18 U.S.C. § 2252(b), possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B), and aiding and abetting a minor's sexual exploitation in violation of 18 U.S.C. § 2251(a)	charges; government dropped remaining charges.	plea agreement	court's conclusion that he voluntarily gave an inculpatory statement to the FBI. The U.S. Court of Appeals for the Sixth Circuit affirmed.
Child Pornography	15-May-07	<i>U.S. v. Daniel C. Sheldon</i> , 06-3015, 223 Fed. Appx. 478	One count of receipt and attempt to distribute child pornography and one count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(2) and (a)(4)(B)	Convicted	98 months of incarceration, life time term of supervised release with special conditions	The defendant appealed his conviction. The U.S. Court of Appeals for the Sixth Circuit affirmed the conviction.
Child Pornography	15-May-07	<i>U.S. v. Norman Borho</i> , 06-5288, 485 F.3d 904	Three counts of distribution of child pornography in interstate commerce in violation of 18 U.S.C. § 2252(a)(1) and one count of receiving child pornography that had traveled in interstate commerce in	Pleaded guilty	72 months of imprisonment	The government appealed the sentence, arguing that the large downward variance (the sentencing guidelines stipulated a sentence of 210 to 262 months) was substantively unreasonable. The

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			violation of 18 U.S.C. § 252(a)(2)			U.S. Court of Appeals for the Sixth Circuit vacated and remanded the case for resentencing.
Child Pornography	16-May-07	<i>U.S. v. H. Marc Watzman</i> , 05-4669, 486 F.3d 1004	One count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B), nine counts of receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1), and a money laundering charge	Pleaded guilty to one count of possession and nine counts of receipt of child pornography	Five years of imprisonment for each count, served concurrently	The defendant appealed, challenging the denial of his motion to suppress evidence and the motion to require the government to prove his intent to traffic child pornography. The U.S. Court of Appeals for the Seventh Circuit affirmed the district court's decision. U.S. Supreme Court: certiorari denied.
Child Pornography	16-May-07	<i>U.S. v. Tammy Halling</i> , 06-30377, 232 Fed. Appx. 691	Two counts of sexual exploitation of children in violation of 18 U.S.C. § 2251(a); one count of sexual exploitation of children in violation of 18 U.S.C. § 2251(b); one count of distribution of child pornography in	Convicted	Not stipulated	The defendant appealed her conviction. The U.S. Court of Appeals for the Ninth Circuit affirmed the conviction.

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			violation of 18 U.S.C. § 2252A(a)(2)			
Child Pornography	17-May-07	<i>U.S. v. Donald Louis Weis</i> , 06-2996, 487 F.3d 1148	Receiving child pornography in violation of 18 U.S.C. § 2252(a)(2)	Pleaded guilty	15 years of imprisonment (mandatory minimum enhanced because of a prior conviction for assault with intent to commit sexual abuse)	The defendant appealed his sentence, arguing that his prior conviction was not a proper predicate felony pursuant to 18 U.S.C. 2252(b)(1). The U.S. Court of Appeals for the Eighth Circuit affirmed.
Child Pornography	29-May-07	<i>U.S. v. John Oscar Messick</i> , 06-16018, 232 Fed. Appx. 933	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	60 months of imprisonment	The defendant appealed his sentence arguing that it was unreasonable given that he was 79 years old and in failing health. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence. Post-conviction relief denied, June 5, 2008.
Child Pornography	29-May-07	<i>U.S. v. John Doe</i> , 05-50474 and 05-50781, 488 F.3d 1154	Production of child pornography outside of the U.S. in violation of 18 U.S.C. § 2251(c)(1) and engaging in illicit sexual conduct with minor persons in	Pleaded guilty to two counts of a four-count indictment	204 months of imprisonment, life term of supervised release with special conditions, payment of restitution to	The defendant sought review of the order requiring him to pay restitution. The U.S. Court of Appeals for the Ninth Circuit affirmed in part,

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			foreign places		victims	vacated in part, and remanded.
Child Pornography	31-May-07	<i>U.S. v. Mark Todd Rader</i> , 06-11348, 241 Fed. Appx. 591	One count of transporting or mailing a visual depiction using a minor engaging in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(1); one count of persuading, inducing, enticing, or coercing a minor via interstate commerce to engage in sexual activity in violation of 18 U.S.C. § 2422(b); and one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	Concurrent 151-month prison terms for counts one and two, 120-month prison term for count three, \$17,500 fine	The defendant appealed his sentences. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentences.
Child Pornography	5-Jun-07	<i>U.S. v. Daniel Voelker</i> , 05-2858, 489 F.3d 139	Possessing child pornography in violation of 18 U.S.C. § 2252(a)(2)	Pleaded guilty	71 months of imprisonment followed by a life term of supervised release with three conditions: prohibited from accessing any computer equipment or any	The defendant appealed the three special conditions of his supervised release. The U.S. Court of Appeals for the Third Circuit vacated those conditions and remanded the case for resentencing.



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					“on-line” computer service at any location; prohibited from possessing any materials depicting or describing sexually explicit conduct as defined in 18 U.S.C. § 2256; prohibited from associating with any child under the age of 18 without proper supervision	
Child Pornography	7-Jun-07	<i>U.S. v. Aaron Reed Hinton</i> , 06-4017, 236 Fed. Appx. 237	Receipt of child pornography through the mails (defendant had responded by email to an advertisement placed by U.S. Postal Service Inspectors in Internet newsgroups known to be frequented by individuals interested in child pornography) in violation of 18 U.S.C. § 2252(a)(2)	Pleaded guilty	30 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed the sentence.
Child Pornography	12-Jun-07	<i>U.S. v. Daniel Kamen</i> , 04-10384-	Knowing receipt of child pornography in	Convicted	Not stipulated	The defendant filed a motion with the U.S.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		PBS, 491 F.Supp. 2d 142	violation of 18 U.S.C. § 2252(a)(2)			District Court for the District of Massachusetts to enter a judgment of acquittal, grant a new trial in the interests of justice, or vacate the conviction and enter a verdict of guilty on the lesser included offense of possession of child pornography. The court denied the motion to enter a judgment of acquittal or to vacate the conviction but allowed the motion for a new trial.
Child Pornography	13-Jun-07	<i>U.S. v. Christopher D. Estep</i> , 06-2389, 227 Fed. Appx. 201	One count of possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	97 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Third Circuit affirmed the sentence.
Child Pornography	18-Jun-07	<i>U.S. v. James R. Garner</i> , 06-10417, 490 F.3d 739	Two counts of attempted receipt of visual depictions of a minor engaged in sexually explicit conduct and six counts of distribution of	Pleaded guilty	262 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Ninth Circuit affirmed the sentence.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			visual depictions of a minor engaged in sexually explicit conduct, all in violation of 18 U.S.C. § 2252(a)(2)			
Child Pornography	27-Jun-07	<i>U.S. v. Jeremy Goldberg</i> , 07-1393, 491 F.3d 668	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Unclear if the defendant pleaded guilty or was convicted	The district judge imposed a nominal sentence of one day in prison, time served, followed by a lengthy period of intensive supervised release.	The government appealed the sentence on the grounds that the statute violated carried a penalty of up to 10 years in prison, with the applicable federal guidelines ranging from 63 to 78 months. The U.S. Court of Appeals for the Seventh Circuit reversed the sentencing judgment and remanded the case for resentencing.
Child Pornography	6-Jul-07	<i>U.S. v. Fabio Carani</i> , 06-2007, 492 F.3d 867	One count of possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and two counts of knowingly receiving child pornography in the form of certain computer files in	Jury found defendant guilty of possession but not guilty as to one of the receipt counts and was unable to reach a unanimous decision as to the other receipt count.	72 months of imprisonment	The defendant appealed his conviction and his sentence. The U.S. Court of Appeals for the Seventh Circuit found no error and affirmed his conviction and sentence. A

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			violation of 18 U.S.C. § 2252A(a)(2)(A)			subsequent rehearing was denied, as was certiorari.
Child Pornography	18-Jul-07	<i>U.S. v. Robert Johnson</i> , 06-4078, 242 Fed. Appx. 7	Transmission of child pornography in violation of 18 U.S.C. § 2252(a)(1); receipt of child pornography in violation of 18 U.S.C. § 2252(a)(2); and possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty	144 months of imprisonment	The government appealed the sentence. The U.S. Court of Appeals for the Fourth Circuit concluded that the sentence was procedurally and substantively infirm, and so vacated and remanded for resentencing.
Child Pornography	19-Jul-07	<i>U.S. v. John Anthony Planck</i> , 05-21040, 493 F.3d 501	Four counts of distribution of child pornography in violation of 18 U.S.C. §§ 2252A(a)(2)(B), 2252A(b)(1), and 2256; three counts of possession of child pornography in violation of 18 U.S.C. §§ 2252A(a)(5)(B), 2252A(b)(2), and 2256	Pleaded guilty to all seven counts	Concurrent sentences of 121 months of imprisonment on the distribution counts and 120 months of imprisonment on the possession counts plus a lifetime term of supervised release	The defendant appealed the sentence, contending that the three possession counts were multiplicitous, and challenged the imposition of a life term of supervised release. The U.S. Court of Appeals for the Fifth Circuit affirmed the sentence.
Child Pornography	31-Jul-07	<i>U.S. v. Laurence Gormley</i> , 06-3132, 242 Fed. Appx. 853	Two counts of distribution of child pornography in violation of 18 U.S.C.	Pleaded guilty	120 months of imprisonment	The defendant appealed the district court's order denying his Petition for Writ of

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			§ 2252(a)(4)			Habeas Corpus and asked the appellate court to reverse the ruling and grant resentencing on the ground of ineffective assistance of counsel (his attorney failed to object to a five-level enhancement). The U.S. Court of Appeals for the Third Circuit affirmed the judgment of the district court.
Child Pornography	7-Aug-07	<i>U.S. v. William P. Schmitt</i> , 06-2207, 495 F.3d 860	One count of possession of child pornography in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2256(8)(A)	Pleaded guilty	63 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Seventh Circuit vacated the sentence and remanded for resentencing.
Child Pornography	14-Aug-07	<i>U.S. v. Dennis J. Presto</i> , 05-6888, 498 F.3d 415	Firearm charge (count 1); receiving child pornography transported in interstate commerce in violation of 18 U.S.C. § 2252A(a)(2)(A) (count 2); possession of child pornography transported in	Pursuant to a plea agreement, the defendant pleaded guilty to counts one and two with count three dismissed.	120 months of imprisonment for count 1 and 135 months for count two, to run concurrently, followed by three years of supervised release for count one and	The defendant appealed the portion of his sentence imposing a lifetime term of supervised release. The U.S. Court of Appeals for the Sixth Circuit affirmed the sentence.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			interstate commerce in violation of 18 U.S.C. § 2252A(a)(5)(B) (count 3)		a lifetime term of supervised release for count two	
Child Pornography	20-Aug-07	<i>U.S. v. Robert Geiner</i> , 06-8055, 498 F.3d 1104	Charged with one count of attempted interstate transportation of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A) and (b)(1), and one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2)	Pleaded guilty without entering into a plea agreement	210 months of imprisonment	The defendant appealed his sentence on the grounds that the district court erroneously applied a five-level enhancement and that his sentence was unreasonable. The U.S. Court of Appeals for the Tenth Circuit affirmed the sentence.
Child Pornography	20-Aug-07	<i>U.S. v. Donald R. Blakley</i> , 05-6582, 239 Fed. Appx. 229	Conspiracy to knowingly receive and distribute visual depictions of a minor engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(b)(1); 15 counts of knowingly receiving visual depictions of a minor engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(2); and	Jury convicted on all 17 counts.	87 months of imprisonment for each count, served concurrently	The defendant appealed his convictions, arguing that the district court erred in excluding hearsay evidence and that the proof at trial was not sufficient to support convictions on the conspiracy and receiving counts. The U.S. Court of Appeals for the Sixth Circuit concluded that evidence was legally

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			possession of one or more electronically-stored visual depictions of a minor engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(4)(B)			insufficient to sustain the conspiracy conviction but found no reversible error in connection with the remaining 16 counts, thus affirming those convictions.
Child Pornography	20-Aug-07	<i>U.S. v. Douglas Willingham</i> , 06-11160, 497 F.3d 541	One count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty pursuant to a plea agreement	64 months of imprisonment	The government appealed the sentence, arguing that it was substantially below the advisory range and therefore unreasonable. The U.S. Court of Appeals for the Fifth Circuit vacated and remanded the sentence.
Child Pornography	24-Aug-07	<i>U.S. v. Ritchie G. Kennedy</i> , 05-6586, 499 F.3d 547	Distribution of child pornography in violation of 18 U.S.C. § 2252A	Pleaded guilty	87 months of imprisonment and a lifetime term of supervised release	The defendant appealed the lifetime term of supervised release portion of his sentence arguing that it was unreasonable. The U.S. Court of Appeals for the Sixth Circuit affirmed the sentence.
Child Pornography	31-Aug-07	<i>U.S. v. Jeffrey Scott</i> , 06-5522, 501 F.3d 683	Receipt of child pornography and possession of child	Pleaded guilty to knowingly receiving and	72 months of imprisonment (Defendant was on	The defendant appealed, but the U.S. Court of appeals for

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			pornography	attempting to receive child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A)	probation following a nine-month prison term served for three counts of sexual exploitation of a minor.)	the Sixth Circuit affirmed.
Child Pornography	4-Sep-07	<i>U.S. v. Byron Polk</i> , CR-06-29-B-W, 508 F.Supp. 2d 89	Attempted production of child pornography in violation of 18 § U.S.C. 2251	Convicted	Mandatory minimum term of 15 years of imprisonment	The defendant argued that the sentence constituted cruel and unusual punishment in violation of the Eighth Amendment. The sentence was affirmed.
Child Pornography	6-Sep-07	<i>U.S. v. Mantra Films, Inc., Joseph Francis</i> , 07-10071, 240 Fed. Appx. 372	Failing to maintain “identifiable records” on each of the individuals featured in certain of its DVDs, and did not attach to its DVDs a statement disclosing the location where “the required age documentation records” could be located, in violation of 18 U.S.C. § 2257	Pleaded guilty	\$1.6 million fine and 30 months of community service for Mantra CEO	Appeal of sentence by CEO based on contention that his due process rights were violated when the district court required him, an unnamed defendant, to perform community service on behalf of the company as a condition of the company’s sentence of probation. The judgment of the district court was affirmed.



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Child Pornography	20-Sep-07	<i>U.S. v. John Olfano</i> , 06-2988, 503 F.3d 240	Receiving child pornography in violation of 18 U.S.C. § 2252(a)(2)	Pleaded guilty	188 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Third Circuit remanded the case for resentencing following the decision in <i>U.S. v. Booker</i> , 543 U.S. 220. On remand, the district court again sentenced the defendant to 188 months. The defendant again appealed. The appellate court affirmed the sentence.
Child Pornography	2-Oct-07	<i>U.S. v. Peter Kirchof</i> , 06-5203, 505 F.3d 409	Transporting child pornography over the Internet in violation of 18 U.S.C. § 2252(a)(1) and receiving child pornography over the Internet in violation of 18 U.S.C. § 2252(a)(2)	Pleaded guilty	180 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Sixth Circuit affirmed.
Child Pornography	9-Oct-07	<i>U.S. v. Michael Kosteniuk</i> , 06-3178, 251 Fed. Appx. 97	Two counts of receiving and possessing child pornography in violation of 18 U.S.C. § 2252(a)(2) and (a)(4)(B)	Pleaded guilty to both counts	60 months of imprisonment on each count, served concurrently, followed by seven years of supervised release	The defendant appealed his sentence. The U.S. Court of Appeals for the Third Circuit vacated the sentence and remanded for resentencing.

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Child Pornography	18-Oct-07	<i>U.S. v. Timothy Wesaw</i> , 07-8024, 251 Fed. Appx. 550	One count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2)	Pleaded guilty	41 months of imprisonment, five years of supervised release	The defendant appealed his conviction and sentence; counsel filed an Anders brief. The U.S. Court of Appeals for the Tenth Circuit granted counsel's motion to withdraw and dismissed defendant's appeal.
Child Pornography	19-Oct-07	<i>U.S. v. Richard Salcido</i> , 06-10546, 506 F.3d 729	Receipt or distribution of child pornography in violation of 18 U.S.C. § 2252(a)(2) and possession of material involving the sexual exploitation of minors in violation of 18 U.S.C. § 2252(a)(4)(B)	Convicted	Concurrent terms of 27 months of imprisonment for each count	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Ninth Circuit affirmed.
Child Pornography	23-Oct-07	<i>U.S. v. Dennis D. Sharp</i> , 07-231(CKK), 517 F. Supp. 2d 462	One count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)	Pleaded guilty	Unclear	The government recommended a sentence of imprisonment. The defendant filed a motion for release pending sentencing. The U.S. District Court for the District of Columbia denied the motion.

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Child Pornography	23-Oct-07	<i>U.S. v. Danny E. Burke</i> , 06-3414, 252 Fed. Appx. 49	Three counts of transportation and possession of child pornography in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2)	Pleaded guilty to count two (possession); other charges dismissed per plea agreement	24 months of imprisonment and three years of supervised release	The defendant appealed his sentence. The U.S. Court of Appeals for the Sixth Circuit affirmed.
Child Pornography	24-Oct-07	<i>U.S. v. William Malloy</i> , 06-2772, 254 Fed. Appx. 911	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)	Pleaded guilty	27 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Third Circuit affirmed.
Child Pornography	29-Oct-07	<i>U.S. v. James Raftopoulos</i> , 05-5963, 254 Fed. Appx. 829	Receiving child pornography in violation of 18 U.S.C. § 2252A(a)(2)	Pleaded guilty	121 months of imprisonment followed by a life term of supervised release	The defendant appealed the terms of his supervised release. The U.S. Court of Appeals for the Second Circuit affirmed the life term of supervised release but remanded for clarification of the conditions.
Child Pornography	2-Nov-07	<i>U.S. v. Lester John White, Jr.</i> , 06-3781 and 06-3886, 506 F.3d 635	Receiving and distributing child pornography in violation of 18 U.S.C. § 252(a)(2) and possessing child pornography in violation of 18 U.S.C.	Convicted	72 months of imprisonment	The defendant appealed his conviction, arguing that the evidence was insufficient; and appealed his sentence, arguing the district court improperly

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			§ 2252(a)(4)			imposed two sentencing enhancements. The government cross appealed the district court’s downward variance from the advisory guideline range. The U.S. Court of appeals for the Eighth Circuit affirmed.
Child Pornography	5-Nov-07	<i>U.S. v. Gordon Douglas Cope, Jr.</i> , 06-50441, 506 F.3d 908	One count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(5)(B)	Pleaded guilty under a plea agreement. Both parties stipulated to a total offense level of 28, including numerous upward adjustments relating to the child pornography possession. The government made no agreement regarding the terms of supervised release. The defendant agreed to waive his right to appeal any sentence the	120 months of imprisonment (the minimum) and a lifetime term of supervised release	The defendant appealed the conditions of his lifetime term of supervised release. The U.S. Court of Appeals for the Ninth Circuit affirmed in part and reversed in part.

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				district court handed down, provided certain requirements were met.		
Child Pornography	6-Nov-07	<i>U.S. v. Winston Davenport</i> , 06-30596, 519 F.3d 940	One count of receiving child pornography, in violation of 18 U.S.C. § 2252A(a)(2) and one count of possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	78 months of incarceration for each count, to be served concurrently and concurrent life terms of supervised release for each count	Prior to sentencing, the defendant moved to withdraw his guilty plea, which the court denied. The defendant then appealed his sentence. The U.S. Court of Appeals for the Ninth Circuit affirmed his sentence (see also the supplemental opinion at 270 Fed. Appx. 671).
Child Pornography	7-Nov-07	<i>U.S. v. Kevin D. Otterson</i> , 06-3555, 506 F.3d 1098	Transporting child pornography and possessing child pornography in violation of 18 U.S.C. § 2252A(a)(1) and (a)(5)(B)	Pleaded guilty	235 months of imprisonment and a lifetime term of supervised release	The defendant appealed his sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed the sentence.
Child Pornography	8-Nov-07	<i>U.S. v. James T. Fore II</i> , 06-5518, 507 F.3d 412	1) knowingly transporting or shipping in interstate commerce visual depictions involving	Convicted on the substantive counts	165 months of imprisonment on count one, 120 months on count two, served	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			the use of a minor engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(1); 2) possession of visual depictions of minors engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(4)(B)		concurrently	the Sixth Circuit affirmed the conviction and sentence.
Child Pornography	8-Nov-07	<i>U.S. v. Octavio Villalona</i> , 06-14185, 256 Fed. Appx. 256	Transporting child pornography in interstate commerce by means of a computer in violation of 18 U.S.C. § 2252(a)(1) and using an Internet service as a means of interstate commerce to induce a minor to engage in sexual activity in violation of 18 U.S.C. § 2422(b)	Pleaded guilty	235 months of imprisonment	The defendant appealed his sentence, challenging its procedural reasonableness. The U.S. Court of Appeals for the Eleventh Circuit affirmed.
Child Pornography	21-Nov-07	<i>U.S. v. William Schaefer</i> , 04-20156-JWL	Knowingly and intentionally possessing child pornography in violation of 18 U.S.C. § 2252(a)(4)(B) and knowingly receiving child pornography by	Found guilty on both counts	70 months of imprisonment on each count to run concurrently	Defendant appealed conviction and sentence. The U.S. Court of Appeals for the Tenth Circuit reversed the defendant's convictions on the

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			computer in violation of 18 U.S.C. § 2252(a)(2)			grounds that the government's evidence concerning the defendant's use of the Internet, standing alone, was insufficient to establish that the child pornography images at issue moved across lines, and remanded to the district court for entry of a judgment of acquittal.
Child Pornography	28-Nov-07	<i>U.S. v. Michael Tyler</i> , 07-11090, 256 Fed. Appx. 310	Transporting visual depictions involving the use of minors engaged in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(1); being a parent or legal guardian who permitted or assisted the sexual exploitation of a minor in violation of 18 U.S.C. § 2251(b); and using a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of	Pleaded guilty	600 months of imprisonment	The defendant appealed his sentence, arguing that it was procedurally and substantively unreasonable, and was excessive in violation of the Eighth Amendment. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence.

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			such conduct in violation of 18 U.S.C. § 2251(a)			
Child Pornography	28-Nov-07	<i>U.S. v. Arthur Juwa</i> , 06-2716-cr, 508 F.3d 694	One count of receiving and distributing child pornography in violation of 18 U.S.C. § 2252A(a)(2)(B) and one count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(5)(B)	Pleaded guilty to the possession charge	90 months of imprisonment	The defendant appealed his sentence, arguing that the term was procedurally and substantively unreasonable because the recommended range was 24 to 30 months, which both parties agreed would be reasonable. The district court applied an upward departure based in part on pending state charges against the defendant for sexual abuse of a minor. The U.S. Court of Appeals for the Second Circuit vacated the sentence and remanded the case for resentencing.
Child Pornography	29-Nov-07	<i>U.S. v. Russell R. Hoey</i> , 07-1454, 508 F.3d 687	One count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	63 months of imprisonment	The defendant appealed his sentence, primarily objecting to an application of a four-level increase. The U.S. Court of



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						Appeals for the First Circuit affirmed the sentence.
Child Pornography	13-Dec-07	<i>U.S. v. Charles Harrist, Jr.</i> , 06-41679, 258 Fed. Appx. 668	One count of possessing child pornography and one count of receiving child pornography in violation of 18 U.S.C. § 2252(a)(2), (a)(4)(B), (b)(2)	Convicted on both counts	Not stipulated	The defendant appealed his conviction. The U.S. Court of Appeals for the Fifth Circuit affirmed.
Child Pornography	20-Dec-07	<i>U.S. v. John Craig Zimmerman</i> , Criminal B-07-232, 529 F.Supp. 2d 778	Two counts of sexual exploitation of a child in violation of 18 U.S.C. § 2251(a), one count of receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(B), and one count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Found guilty on all counts	Not stipulated	N/A
Child pornography	21-Dec-07	<i>U.S. v. Michael J. Griffin</i> , 05-4016-cr, 510 F.3d 354	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	120 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Second Circuit remanded the case for resentencing.

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Child Pornography	2-Jan-08	<i>U.S. v. Anthony S. Peterson</i> , 07-60080, 260 Fed. Appx. 753	Possession of child pornography through interstate commerce by means of a computer in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2256(8)(a)	Pleaded guilty	Unclear; non-guidelines sentence imposed	The defendant appealed the sentence. The U.S. Court of Appeals for the Fifth Circuit affirmed the sentence.
Child Pornography	11-Jan-08	<i>U.S. v. Eric Baird</i> , 8-07CR204, 580 F. Supp. 2d 889	Possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)	Pleaded guilty	24 months of imprisonment	During sentencing the defendant objected to a two-level use of computer enhancement, asking the district court to either depart below or vary from the applicable federal sentencing guidelines range, under which he was eligible for up to 10 years of imprisonment.
Child Pornography	16-Jan-08	<i>U.S. v. Ronald George Stark</i> , 07-10224, 262 Fed. Appx. 930	1) enticing a minor to engage in sexually explicit conduct for purposes of producing visual depictions, in violation of 18 U.S.C. § 2251(a); 2) possessing child pornography, in violation of 18 U.S.C.	Pleaded guilty to all three counts	Consecutive sentences of 120 months of imprisonment for count one, 108 months for count two, and 84 months for count three, followed by five years of	The defendant appealed his sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence.

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			§ 2252A(a)(1); 3) transporting visual depictions of minors engaged in sexually explicit conduct, in violation of 18 U.S.C. § 2252A(a)(1)		supervised release	
Child Pornography	17-Jan-08	<i>U.S. v. Walter E. Sewell</i> , 07-1991, 513 F.3d 820	Possessing, distributing, or publishing notices, and/or attempting to possess, distribute, or publish notices of child pornography in violation of 18 U.S.C. § 2251; and charged with one count of publishing a notice offering to distribute child pornography in violation of 18 U.S.C. § 2251(d)(1)(A) after appellate court reversed an order prohibiting government from showing at trial some images recovered from defendant's computer.	Pleaded guilty to one count of distribution of child pornography and one count of publishing a notice, preserving the right to file a motion to dismiss the 18 U.S.C. § 2251(d)(1)(A) charge	Not stipulated	The defendant challenged the denial to dismiss the 18 U.S.C. § 2251(d)(1)(A) charge. The U.S. Court of Appeals for the Eighth Circuit affirmed the denial of the motion to dismiss.
Child Pornography	18-Jan-08	<i>U.S. v. Kurt Russell Grossman</i> , 06-2310, 513 F.3d	Possession of images of minors engaged in sexual activity in	Pleaded guilty	66 months of imprisonment followed by 10	The defendant appealed his sentence. The U.S. Court of

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		592	violation of 18 U.S.C. § 2252(a)(4)(B)		years of supervised release	Appeals for the Sixth Circuit affirmed, with dissent.
Child Pornography	29-Jan-08	<i>U.S. v. Vernon Earl Parmelee</i> , 06-4888, 262 Fed. Appx. 416	Four counts of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	Initially 48 months of imprisonment; 140 months of imprisonment following government appeal	The defendant appealed his resentencing. The U.S. Court of Appeals for the Third Circuit affirmed the sentence.
Child Pornography	31-Jan-08	<i>U.S. v. Bruce Clayton Pugh</i> , 07-10183, 515 F.3d 1179	Knowing possession of images of child pornography mailed, shipped, or transported by computer in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2256(8)(A)	Pleaded guilty	Five years of probation	The government appealed the sentence on the grounds that it was unreasonable and the sentencing guidelines range was 97 to 120 months. The U.S. Court of Appeals for the Eleventh Circuit vacated the sentence and remanded it for recalculation.
Child Pornography	5-Feb-08	<i>U.S. v. Juan Pena</i> , 07-30007, 266 Fed. Appx. 574	Distribution and receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A)	Pleaded guilty	Not stipulated	The defendant appealed. The U.S. Court of Appeals for the Ninth Circuit affirmed. U.S. Supreme Court: certiorari denied.

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Child Pornography	6-Feb-08	<i>U.S. v. Jason Shrake</i> , 07-1790, 515 F.3d 743	Possession of images of minors engaged in sexually explicit conduct and transmission of such images in interstate commerce in violation of 18 U.S.C. § 2252(a)(1),(4)	Convicted	330 months of imprisonment	The defendant appealed, contesting the sentence as well as limits on his expert's pretrial access to data. The U.S. Court of Appeals for the Seventh Circuit affirmed.
Child Pornography	27-Feb-08	<i>U.S. v. Scott K. Donton</i> , 07-1326, 266 Fed. Appx. 222	Receipt of child pornography and possession of child pornography in violation of 18 U.S.C. §§ 2252A(a)(2)(B) and 2252A(a)(5)(B)	Convicted	Concurrent terms of 60 months of imprisonment	The defendant appealed his conviction. The U.S. Court of Appeals for the Third Circuit affirmed the conviction.
Child Pornography	29-Feb-08	<i>U.S. v. Ralph Shannon</i> , 07-2794, 518 F.3d 494	One count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)	Pleaded guilty	46 months of imprisonment followed by a life term of supervised release	The defendant appealed, arguing that the federal sentencing scheme approved in <i>U.S. v. Booker</i> , 543 U.S. 220, violated the Fifth and Sixth Amendments, and that his sentence was unreasonable. The U.S. Court of Appeals for the Seventh Circuit affirmed the sentence.
Child Pornography	3-Mar-08	<i>U.S. v. James N. Cannel</i> , 06-30590,	Possession of child pornography in	Pleaded guilty	72 months of imprisonment	The defendant appealed the sentence

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		517 F.3d 1172	violation of 18 U.S.C. 2252A(a)(5)(B)			on the grounds that the government breached the plea agreement. The U.S. Court of Appeals for the Ninth Circuit found that the government did not breach the plea agreement and therefore affirmed the sentence. U.S. Supreme Court: certiorari denied.
Child Pornography	5-Mar-08	<i>U.S. v. Donald J. Deverso</i> , 06-16048, 518 F.3d 1250	1) possessing materials depicting a minor engaged in sexually explicit activity in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2); 2) transporting materials depicting a minor engaged in sexually explicit activity in violation of 18 U.S.C. § 2252(a)(1) and (b)(1); 3) using a minor to engage in sexually explicit conduct outside the U.S. for the purpose of producing a visual depiction and transporting it to the	Convicted	120 months of imprisonment for one count and 195 months for each of the other counts, served concurrently	The defendant appealed his convictions. The U.S. Court of Appeals for the Eleventh Circuit affirmed the convictions.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			U.S. in violation of 18 U.S.C. § 2251(c)(2)(B) and (e)			
Child Pornography	11-Mar-08	<i>U.S. v. Roy J. Hudspeth</i> , 05-3316, 518 F.3d 954	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5) and (b)(2)	Entered conditional guilty plea	60 months of imprisonment	The defendant appealed, challenging the denial of his motion to suppress evidence and the district court's application of the sentencing guidelines. The U.S. Court of Appeals for the Eighth Circuit affirmed the district court's decisions in all respects.
Child Pornography	11-Mar-08	<i>U.S. v. Steven C. Perrine</i> , 06-3336, 518 F.3d 1196	One count of distributing child pornography in violation of 18 U.S.C. § 2252(a)(2); one count of receiving child pornography in violation of 18 U.S.C. § 2252(a)(2); one count of possessing child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Convicted	235 months of imprisonment (includes violations of other laws)	The defendant appealed the denial of his motion to suppress evidence and the denial of his motion to dismiss the case against him. The U.S. Court of Appeals for the Tenth Circuit affirmed.

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Child Pornography	21-Mar-08	<i>U.S. v. Brandon James Garcia</i> , 07-11582, 272 Fed. Appx. 754	Possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2); receipt of child pornography in violation of 18 U.S.C. § 2252(a)(2) and (b)(1)	Convicted	96 months of imprisonment for each count, served concurrently, followed by a life term of supervised release	The defendant appealed his sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence.
Child Pornography	24-Mar-08	<i>U.S. v. Todd Randal Maupin</i> , 07-13341, 520 F.3d 1304	Knowingly possessing material containing images of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2) and knowingly and intentionally receiving and attempting to receive child pornography materials shipped and transported through interstate and foreign commerce by computer via the Internet in violation of 18 U.S.C. § 2252A(a)(2)(B) and (b)(1)	Pleaded guilty to both counts	240 months of imprisonment for count one, 480 months for count two, to run concurrently, and a lifetime term of supervised release on both counts	The defendant appealed his sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence.
Child Pornography	1-Apr-08	<i>U.S. v. Peter Polizzi</i> , 06-CR-22(JBW), 549 F.Supp 2d 308	12 counts of receiving child pornography in violation of 18 U.S.C. § 2252(a)(2); 11	Convicted	New trial granted on counts one through 12 unless statute declared	Later proceeding at <i>U.S. v. Polizzi</i> , 2008 U.S. Dist. LEXIS 31912; vacated and



Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			counts of possessing child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)		unconstitutional on appeal. Sentence for counts 14 through 24: one year plus one day of incarceration; \$50,000 fine; \$1,100 special assessment; supervised release; psychiatric treatment during incarceration and while on supervised release; registration as sex offender.	remanded by <i>U.S. v. Polouizzi</i> , 2009 U.S. App. LEXIS 8700 (2d Cir. N.Y., Apr. 24, 2009).
Child Pornography	9-Apr-08	<i>U.S. v. Timothy Prunick</i> , 07-13472, 273 Fed. Appx. 807	Attempted use of a computer to entice a minor to engage in sexual activity in violation of 18 U.S.C. § 2422(b), traveling interstate with the intent to engage in sexual activity with a child under the age of 12, transporting child pornography in violation of 18 U.S.C. § 2252A(a)(1), and possession of child	Guilty on counts one and two; not guilty on counts three and four	Not stipulated	The defendant filed a pretrial motion to sever counts three and four from counts one and two; the motion was denied. Following trial, the defendant filed a motion for a new trial for counts one and two, arguing the jury had been prejudiced by the pornography charges. The district court granted a new trial, the

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)			government appealed, and the U.S. Court of Appeals for the Eleventh Circuit affirmed the granting of a new trial.
Child Pornography	11-Apr-08	<i>U.S. v. Howard Thomas Porter</i> , 03-CR-0129(CPS), 555 F. Supp. 2d 341	Three counts of transporting and shipping child pornography in interstate commerce by computer in violation of 18 U.S.C. § 2252A(a)(1); seven counts of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	Four years of imprisonment for each count, served concurrently, followed by three years of supervised release for each count, served concurrently	The defendant began his term of supervised release in August 2007; in November he violated a condition. The term of supervised release was revoked, and the defendant was sentenced to four months of imprisonment and a new term of 32 months of supervised release with special conditions. The defendant filed a motion to modify the condition requiring monitoring his movements with a GPS device. Motion denied.
Child Pornography	24-Apr-08	<i>U.S. v. Joseph Morales-Aldahondo</i> , 06-2533, 524 F.3d	Possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Convicted	Not stipulated	The defendant appealed his conviction. The U.S. Court of Appeals for

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		115				the First Circuit affirmed the conviction.
Child Pornography	25-Apr-08	<i>U.S. v. James Edward Sommerville</i> , 07-13474, 276 Fed. Appx. 903	Distribution of child pornography in violation of 18 U.S.C. § 2252 and possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2)	Convicted	195 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence.
Child pornography	29-Apr-08	<i>U.S. v. Michael Postma</i> , 07-14073, 275 Fed. Appx. 865	Four counts of distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A), one count of possession of material containing images of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Under a plea agreement, pleaded guilty to one count of distribution	210 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence.
Child Pornography	29-Apr-08	<i>U.S. v. Joseph Stoterau</i> , 07-50124, 524 F.3d 988	Transporting child pornography in violation of 18 U.S.C. § 2252A(a)(1)	Pleaded guilty	151 months of imprisonment and a five-year term of supervised release	The defendant appealed the length of his prison term and several special conditions of his supervised release. The U.S. Court of Appeals for the Ninth

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
						Circuit affirmed in part, vacated in part, and remanded.
Child Pornography	2-May-08	<i>U.S. v. Todd Hansel</i> , 07-2447, 524 F.3d 841	One count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2); one count of distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(1) and (b)(1)	Conditional guilty plea	The district applied a five-level enhancement to the defendant's sentence because he distributed pornography to a minor.	The defendant appealed his conviction and his sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed the conviction and the sentence.
Child Pornography	12-May-08	<i>U.S. v. Darren F. Wilder</i> , 06-2213, 526 F.3d 1	Possession, transmission, and receipt of child pornography in violation of 18 U.S.C. §§ 2252(a)(1),(2) and (b)(1) and 2252(a)(4)(B)	Convicted	Not stipulated	The defendant appealed his conviction. The U.S. Court of Appeals for the First Circuit affirmed the conviction.
Child Pornography	19-May-08	<i>U.S. v. Williams</i> , 06-694, 444 F.3d 1286, reversed	One count of pandering child pornography in violation of 18 U.S.C. § 2252A(a)(3)(B) and one count of possession of child pornography in violation of 18 U.S.C.	Pled guilty but reserved the right to challenge the constitutionality of the pandering conviction	60 months of imprisonment for each count, served concurrently	The defendant appealed. The U.S. Court of Appeals for the Eleventh Circuit held that 18 U.S.C. § 2252A(a)(3)(B) was both overbroad and impermissibly vague. The U.S. Supreme

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			§ 2252A(a)(5)(B)			Court granted certiorari. The judgment of the Eleventh Circuit was reversed.
Child Pornography	19-May-08	<i>U.S. v. Charles Ray Wise</i> , 07-5019, 278 Fed. Appx. 552	Six-count indictment	Convicted of four of six counts: 3) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct with a 14-year-old female; 4) transporting a 14-year-old female from Arkansas to Kentucky with the intent to engage in sexual activity; 5) possessing one or more matters containing a visual depiction, involving the use of a minor engaged in sexually explicit conduct; and 6) making false statement of material fact to a	360 months of imprisonment	The defendant appealed his conviction, arguing that the district court improperly denied his motion for acquittal. The U.S. Court of Appeal for the Sixth Circuit affirmed.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
				special agent of the FBI		
Child Pornography	28-May-08	<i>U.S. v. Richard Don Beeman</i> , 07-50137, 280 Fed. Appx. 616	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	57 months of imprisonment; supervised release	Beeman appealed district court’s denial of his motion to suppress evidence seized from his personal computer; appealed his sentence, including certain conditions of his supervised release. The U.S. Court of Appeals for the Ninth Circuit affirmed the ruling on the suppression motion and all challenged aspects of the sentence.
Child Pornography	28-May-08	<i>U.S. v. Roderick Long</i> , 06-3549, 2008 U.S. App. LEXIS 11340	Knowingly receiving by computer visual depictions of a minor engaging in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(2)	Pleaded guilty	121 months of imprisonment followed by a life term of supervised release with conditions limiting the defendant’s computer use and access to materials depicting or describing sexually explicit	The defendant appealed his sentence and conditions of supervised release. The U.S. Court of Appeals for the Third Circuit affirmed. Rehearing at <i>U.S. v. Long</i> , 2008 U.S. App. LEXIS 27030 (3d Cir. Pa, Dec. 31, 2008).

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
					conduct	
Child Pornography	28-May-08	<i>U.S. v. Justin Moore</i> , 07-2349, 279 Fed. Appx. 404	Distributing child pornography and receiving child pornography in violation of 18 U.S.C. § 2252(a)(2)	Pleaded guilty	210 months of imprisonment	The defendant appealed, but his appointed counsel moved to withdraw because he was unable to discern a non-frivolous basis for appeal. The U.S. Court of Appeals for the Eleventh Circuit granted the counsel's motion and dismissed the defendant's appeal.
Child Pornography	29-May-08	<i>U.S. v. Joaquin Gomes</i> , 07-13002, 279 Fed. Appx. 861	Possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B), receiving child pornography in violation of 18 U.S.C. § 2252(a)(2)(B), and producing child pornography in violation of 18 U.S.C. § 2251(a)	Convicted	240 months of imprisonment for count one, 480 months for count two, and 600 months for count three to run concurrently but running consecutively to any existing state sentence	The defendant appealed the district court's denial of his motion to suppress evidence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the defendant's convictions and sentences.
Child Pornography	30-May-08	<i>U.S. v. Francis Eugene Giberson</i> , 07-10100, 527 F.3d 882	Receipt of child pornography in violation of 18 U.S.C. § 2252(a)(2) and possession of child	Pleaded guilty	60 months of imprisonment on each count, served concurrently; three-year	The defendant appealed the district court's denial of his motion to suppress evidence of child

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			pornography in violation of 18 U.S.C. § 2252(a)(4)(B)		supervised release on count one; life term of supervised release on count two	pornography found on his personal computer, which led to his conviction and appealed his sentence. The U.S. Court of Appeals for the Ninth Circuit affirmed the conviction, vacated the sentence, and remanded the case.
Child Pornography	2-Jun-08	<i>U.S. v. Donald R. Miller Jr.</i> , 06-5187, 527 F.3d 54	Receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2); possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B); marijuana charge	Convicted	46 months of imprisonment for each child pornography charge plus 12 months of imprisonment for the marijuana charge, served concurrently	The defendant appealed. The U.S. Court of Appeals for the Third Circuit vacated the judgment and remanded the case for resentencing after vacating one of the child pornography charges.
Child Pornography	4-Jun-08	<i>U.S. v. Wesley Adam Taylor</i> , 07-40725, 280 Fed. Appx. 397	Six-count indictment: 1) producing sexually explicit images of a minor in violation of 18 U.S.C. § 2251(a) and (d); 2) and 3) distribution of pornographic materials involving minors in violation of 18 U.S.C. § 2252(a)(2) and	Pleaded guilty to count four	60 months of imprisonment followed by three years of supervised release	The government appealed the sentence. The U.S. Court of Appeals for the Fifth Circuit affirmed.



Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			(b)(1); 4)-6) possession of child pornographic materials in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2)			
Child Pornography	5-Jun-08	<i>U.S. v. Patrick D. Staggs</i> , 07-3553, 527 F.3d 680	One count of receiving child pornography in violation of 18 U.S.C. § 2252(a)(2) and one count of possession child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty in 1999	68-month concurrent terms of imprisonment on each offense and a five-year term of supervised release with special conditions: not to use a computer, access the Internet, or possess pornographic material	The defendant was released from custody in 2003 and began his period of supervised release; in 2007 he admitted to his probation officer that he had accessed the Internet on a friend’s computer and had downloaded and saved nude images. The District Court for the Southern District of Iowa sentenced him to 30 months of imprisonment followed by an additional 30 months of supervised release. The defendant appealed, arguing that the 60-month combination exceeded the statutory maximum. The U.S. Court of Appeals for

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
						the Eighth Circuit affirmed.
Child Pornography	9-Jun-08	<i>U.S. v. Richard Rowan II</i> , 05-30536, 530 F.3d 379	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	60 months of probation	The government appealed the sentence. The U.S. Court of Appeals for the Fifth Circuit affirmed.
Child Pornography	16-Jun-08	<i>U.S. v. Jimmy Oliver</i> , 07-10494, 281 Fed. Appx. 898	19 counts of transporting, receiving, and possessing child pornography; attempting to distribute a visual depiction in order to induce a minor to engage in sexually explicit conduct; inducing a minor to engage in sexually explicit conduct for purposes of producing a visual depiction, having control of a minor and permitting the minor to engage in sexually explicit conduct, in violation of 18 U.S.C. §§ 2251 and 2252A	Pled guilty in a plea agreement to counts six, nine, 12, and 15 (inducing a minor to engage in sexually explicit conduct for purposes of producing a visual depiction) and count 19 (possession of child pornography)	1,560 months (life) of imprisonment composed of 360 months for counts six, nine, 12, and 15 and 120 months for count 19, all to run consecutively	The defendant appealed his conviction and sentences. The U.S. Court of Appeals for the Eleventh Circuit affirmed the conviction and dismissed the appeal regarding the sentence challenge.
Child Pornography	17-Jun-08	<i>U.S. v. Ronald R. Shankey</i> , 07-2235, 281 Fed. Appx.	Possessing and distributing child pornography in	Pled guilty in a plea agreement to the possession	108 months of imprisonment	The defendant appealed his sentence, arguing that it was

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		613	violation of 18 U.S.C. § 2252(a)(4)(B) and (a)(2)	charge; the government dismissed the distribution charge.		unreasonably high, and the court failed to consider his distinguished career in the military. The U.S. Court of Appeals for the Seventh Circuit found the sentence reasonable and therefore affirmed it.
Child Pornography	19-Jun-08	<i>U.S. v. Richard Wilkinson</i> , 07-14962, 282 Fed. Appx. 750	Knowingly transporting and shipping child pornography in interstate or foreign commerce by means of a computer in violation of 18 U.S.C. § 2252A(a)(1) and (b)(1); possession of child pornography in violation of § 2252A(a)(5)(B) and (b)(2)	Pleaded guilty to transport charge; government dismisses possession charge pursuant to plea agreement	160 months of imprisonment and 10 years of supervised release with 13 conditions	The defendant appealed his sentence, in particular one of the special conditions of his term of supervised release. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence.
Child Pornography	19-Jun-08	<i>U.S. v. Douglas Jennings</i> , 07-0885-cr, 282 Fed. Appx. 37	Production of child pornography in violation of 18 U.S.C. § 2251(a); receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A) and (B); and possession of	Pleaded guilty	600 months of imprisonment	The defendant appealed, arguing that he was denied effective assistance of counsel because his attorney failed to explain why he should execute a plea

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)			agreement. The U.S. Court of Appeals for the Second Circuit affirmed.
Child Pornography	20-Jun-08	<i>U.S. v. Jon Hanson</i> , 07-CR-330, 561 F. Supp. 2d 1004	Transporting and possessing child pornography in violation of 18 U.S.C. § 2252A(a)(1) and (a)(5)(B)	Pleaded guilty	72 months of imprisonment and life term of supervised release	N/A
Child Pornography	23-Jun-08	<i>U.S. v. Ari Brown</i> , 07-8065, 529 F.3d 1260	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	10 years of imprisonment (reversed and remanded on appeal)	The defendant's sentence was enhanced, based upon a previous conviction under UCMJ Article 134. The defendant appealed the enhancement, arguing that the sentencing court erred by treating his UCMJ conviction as a predicate enhancer under 18 U.S.C. § 2252A. The U.S. Court of Appeals for the Tenth Circuit reversed the sentence and remanded for resentencing pursuant to the plea agreement.

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Child Pornography	26-Jun-08	<i>U.S. v. Michael Demont</i> , 07-15600, 283 Fed. Appx. 768	Indictment charged the defendant with distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(1),(2) and (b)(1) and with possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2).	Pleaded guilty to distribution charge; the district court dismissed possession charge on government motion.	169 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Eleventh Circuit affirmed the sentence.
Child Pornography	2-Jul-08	<i>Russell E. Bretan v. U.S.</i> , 06-0857-pr, 282 Fed. Appx. 932	Possession of child pornography, receipt of child pornography, attempted possession of child pornography, and attempted receipt of child pornography, all in violation of 18 U.S.C. § 2252A	Pleaded guilty to all four counts	57 months of imprisonment and three-year term of supervised release	The defendant did not appeal his conviction or sentence; a year later, he filed an instant petition seeking to vacate, set aside, or correct his sentence. The district court denied the petition. The U.S. Court of Appeals for the Second Circuit affirmed the conviction and sentence imposed by the district court.
Child Pornography	3-Jul-08	<i>U.S. v. Bryan Dodds</i> , 07-3403, 532 F.3d 703	Possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty	30 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Eighth

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
						Circuit affirmed the sentence.
Child Pornography	7-Jul-08	<i>U.S. v. Tron Kent</i> , 07-2920, 531 F.3d 642	Multiple counts, including one count of possessing child pornography and one count of producing child pornography. The other charges were drug- and firearm-related.	Convicted	Life in prison	The defendant appealed his sentence, arguing that his motion to suppress should have been granted; expert DNA testimony and prior convictions should have been excluded; his motion for acquittal should have been granted; jury instructions were erroneous; and life imprisonment for a drug crime violates the Eighth Amendment. The U.S. Court of Appeals for the Eighth Circuit affirmed the mandatory life sentence.
Child Pornography	17-Jul-08	<i>U.S. v. Richard Allen Hicks</i> , 07-2245, 284 Fed. Appx. 998	Distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A)	Pleaded guilty in a plea agreement which stipulated a 15-year sentence	17 years and six-month prison term	The defendant appealed his sentence. The U.S. Court of Appeals for the Third Circuit affirmed.
Child Pornography	17-Jul-08	<i>U.S. v. Robert Ray Burnett Goddard</i> , 07-50402, 537	Possession of child pornography in violation of 18 U.S.C.	Pleaded guilty	63 months of imprisonment and 10-year term of	The defendant appealed his sentence, objecting to some of

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		F.3d 1087	§ 2252A(a)(5)(B)		supervised release	the special conditions. The U.S. Court of Appeals for the Ninth Circuit affirmed in part and remanded in part.
Child Pornography	22-Jul-08	<i>U.S. v. Bruce W. Betcher</i> , 07-2173, 534 F.3d 820	24 counts of production of child pornography in violation of 18 U.S.C. § 2251(a) and (b); one count of receipt of child pornography in violation of 18 U.S.C. § 2252(a)(2); one count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Convicted	Consecutive terms of imprisonment for the statutory maximum on all counts for a total of 9000 months, or 750 years	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed the conviction and sentence. U.S. Supreme Court: certiorari denied.
Child Pornography	30-Jul-08	<i>U.S. v. Samuel E. Baker, Jr.</i> , 06-40757, 538 F. 3d 324	Possessing, receiving, and distributing child pornography in violation of 18 U.S.C. § 2252 and 18 U.S.C. § 2252A	Convicted	Not stipulated	The U.S. Court of Appeals for the Fifth Circuit vacated his conviction on count one (distribution), affirmed convictions on counts two, three, and four, and remanded the case for re-sentencing. U.S. Supreme Court: certiorari denied.

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Child Pornography	8-Aug-08	<i>U.S. v. Donald W. Bain, Jr.</i> , 07-2981, 537 F.3d 876	1) receiving and distributing child pornography; 2) possession of child pornography in violation of 18 U.S.C. §§ 2252(a)(2) and 2256	Pleaded guilty	210 months of imprisonment for count one and 120 months for count two, served concurrently	The defendant appealed his sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed the sentence.
Child Pornography	12-Aug-08	<i>U.S. v. Matthew Powills</i> , 07-2887, 537 F.3d 947	Knowingly receiving child pornography in violation of 18 U.S.C. § 2252(a)(2) and knowingly possessing child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty without entering into a plea agreement	262 months of imprisonment with 180 months to run consecutively to an undischarged state sentence	The defendant appealed the sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed.
Child Pornography	15-Aug-08	<i>U.S. v. Tyrone Alan Gano</i> , 07-50195, 538 F.3d 1117	Charged with three counts of knowingly receiving child pornography and one count of knowingly possessing child pornography, all in violation of 18 U.S.C. § 2252A	Convicted on counts one, two, and four. Acquitted on count three.	96 months of imprisonment, \$15,000 fine, and five years of supervised release	The defendant appealed his conviction and filed a motion to suppress evidence. The U.S. Court of Appeals for the Ninth Circuit affirmed the conviction and affirmed the denial of the motion to suppress evidence.
Child Pornography	29-Aug-08	<i>U.S. v. Harry John Daniels</i> , 07-50242, 541 F.3d	One count of possession of child pornography in	Pleaded guilty under a plea agreement	51 months of imprisonment and a lifetime term of	The defendant sought review of part of his sentence, namely the



Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		915	violation of 18 U.S.C. § 2252A(a)(5)(B)		supervised release	length of and some of the conditions of the supervised release. The U.S. Court of Appeals for the Ninth Circuit affirmed all parts of his sentence except for the sixth condition of his supervised release. The court vacated and remanded condition six.
Child Pornography	2-Sep-08	<i>U.S. v. Paul R. Griesbach</i> , 07-3357, 540 F.3d 654	Knowingly possessing child pornography in violation of 18 U.S.C. § 2252(a)(4)(B)	Convicted (unclear if by jury or plea)	10 years of imprisonment	The defendant appealed, challenging the denial of his motion to suppress evidence. The U.S. Court of Appeals for the Seventh Circuit affirmed. U.S. Supreme Court: certiorari denied.
Child Pornography	19-Sep-08	<i>U.S. v. Steven Bruce Cartier</i> , 07-3222, 543 F.3d 442	One count of sexual exploitation of minors in violation of 18 U.S.C. § 2251(a) and (e); one count of possession of materials involving sexual exploitation of minors in violation of 18	Pleaded guilty	Not stipulated	The defendant appealed his conviction and challenged the denial of his motion to suppress evidence. The U.S. Court of Appeals for the Eighth Circuit affirmed.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			U.S.C. § 2252(a)(4)(B) and (b)(2); one count of making false statements; and eight counts of receipt of materials involving the sexual exploitation of minors in violation of 18 U.S.C. § 2252(a)(2) and (b)(1)			
Child Pornography	23-Sep-08	<i>U.S. v. Christopher J. MacMillen</i> , 07-3377-cr, 544 F.3d 71	Possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	78 months of imprisonment followed by a life term of supervised release with special conditions	On appeal, the defendant challenged two special conditions of his supervised release. The U.S. Court of Appeals for the Second Circuit affirmed.
Child Pornography	26-Sep-08	<i>U.S. v. Sonny I. Szeto</i> , 07-1161-cr, 294 Fed. Appx. 629	Using an interstate facility to engage in sexual activity with a minor in violation of 18 U.S.C. § 2422(b) and possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	168 months of imprisonment and a life term of supervised release	The defendant appealed his sentence. The U.S. court of Appeals for the Second Circuit affirmed the judgment of the district court.
Child Pornography	29-Sep-08	<i>U.S. v. Jay Martin Schene</i> , 07-6177, 543 F.3d 627	Five counts of knowingly possessing material that contained an image of child	Convicted	60 months of imprisonment followed by two years of	The defendant appealed his conviction and sentence. The U.S.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			pornography that was produced using materials that had been mailed, shipped, or transported in interstate commerce in violation of 18 U.S.C. § 2252A(a)(5)(B)		supervised release	Court of Appeals for the Tenth Circuit affirmed the conviction and sentence.
Child Pornography	15-Oct-08	<i>U.S. v. Donald J. Anson</i> , 07-0377-cr, 304 Fed. Appx. 1	1) and 2) transporting child pornography in violation of 18 U.S.C. § 2252A(a)(1); 3) receiving child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A); 4) possessing a computer that contained child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B); and 38 counts of possessing child pornography that had been transported by computer in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted	288 months of imprisonment including a consecutive 48-month term for count four, followed by a life term of supervised release	The defendant appealed his conviction. The U.S. Court of Appeals for the Second Circuit affirmed the conviction but remanded the case for reconsideration or explanation of the District Court's decision to impose a consecutive sentence for count four.
Child Pornography	20-Oct-08	<i>U.S. v. Graeme Pierson</i> , 08-1335, 544 F.3d 933	Attempted production of child pornography in violation of 18 U.S.C. § 2251(a) and	Convicted on both counts	300 months of imprisonment	The defendant challenged the sufficiency of evidence, the

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			attempting to induce a child to engage in criminal sexual activities in violation of 18 U.S.C. § 2422(b)			admission at trial of a prior conviction for indecent contact with a child, and the application of a mandatory minimum sentence based on a qualifying prior conviction under state law. The U.S. Court of Appeals for the Eighth Circuit affirmed.
Child Pornography	20-Oct-08	<i>U.S. v. Walter M. Schales</i> , 07-10288, 546 F.3d 965	Receiving or distributing material and possessing material that involved the sexual exploitation of minors in violation of 18 U.S.C. § 2252(a)(2) and (a)(4)(B)	Convicted	Concurrent terms of 210 months of imprisonment on counts one and three and 120 months on count two, followed by a life term of supervised release (includes violations of other laws)	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Ninth Circuit affirmed his conviction and sentence, except that the case was remanded to the district court to vacate either the conviction for receiving material in violation of 18 U.S.C. § 2252(a)(2) or his conviction for possessing material in violation of 18 U.S.C. § 2252(a)(4)(B). U.S. Supreme Court:

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
						cetiorari denied.
Child Pornography	4-Dec-08	<i>U.S. v. John Hotaling</i> , 1:07-CR-580, 599 F. Supp. 2d 306	The heads of the six minor females, including the defendant's daughter and her friends, had been "cut" from original non-pornographic images and "pasted" over the heads of unidentified nude or partially nude females in various sex acts and/or lascivious poses obtained via the Internet, in violation of 18 U.S.C. § 2252A(a)(5)(B))	Motion to dismiss indictment	Not stipulated	Defendant moved to dismiss the indictment on the grounds that the definition of child pornography in 18 U.S.C. § 2256(8)(C) was unconstitutional because it criminalized mere possession of "morphed" pornographic images. The court held that 18 U.S.C. § 2256(8)(C), which criminalized morphed images of child pornography created without the filming or photographing of actual sexual conduct on the part of an identifiable minor, did not violate the First Amendment. Defendant's motion to dismiss the indictment was denied.
Child Pornography	22-Dec-08	<i>U.S. v. Todd O'Brien</i> , 08-1354-cr, 303 Fed. Appx. 948	Possession of child pornography in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and	Pleaded guilty	27 months of imprisonment followed by a three-year-term of	The defendant appealed on the grounds that the court erred in denying

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			2256(8)		supervised release and forfeiture of computers seized from defendant's residence	suppression of certain evidence. The U.S. Court of Appeals for the Second Circuit affirmed.
Child Pornography	16-Jan-09	<i>U.S. v. William Graziano</i> , 07-5120-cr, 306 Fed. Appx. 693	1) knowingly receiving child pornography that had been transported in interstate commerce in violation of 18 U.S.C. § 2252A(a)(2)(A) and 2) knowingly possessing material containing an image or images of child pornography that had been transported in interstate commerce in violation of 18 U.S.C. § 252(a)(5)(B)	Pleaded guilty to possession charge; receipt charge dismissed. Defendant waived his right to appeal his conviction or any sentence of 108 months or less.	87 months of imprisonment	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Second Circuit affirmed the conviction and sentence.
Child Pornography	27-Jan-09	<i>U.S. v. Thomas J. Adrignola</i> , 06-0546-cr, 2009 U.S. App. LEXIS 1487	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)	Pleaded guilty	120 months of imprisonment	The defendant appealed his sentence. The U.S. court of Appeals for the Second Circuit affirmed the judgment of the district court.
Child Pornography	28-Jan-09	<i>U.S. v. Stefan Irving</i> , 07-1312-cr, 554 F.3d 64	Two counts of traveling outside the U.S. for the purpose of engaging in sexual acts	Convicted	Concurrent terms of 262 months of imprisonment for each count; two	The defendant appealed and on remand pursuant to <i>U.S. v. Crosby</i> , 397

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			with children under age 18 in violation of 18 U.S.C. § 2423(b), one count of traveling outside the U.S. for the purpose of engaging in sexual acts with children under the age of 12 in violation of 18 U.S.C. § 2241(c); one count of receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(B); one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B)		concurrent five-year terms of supervised release on counts three and four; three concurrent three-year terms of supervised release on counts one, two and five; \$200,000 fine; and \$500 special assessment	F.3d 103, the district court declined to resentence the defendant. The defendant again appealed, and the U.S. Court of Appeals for the Second Circuit affirmed the district court's decision.
Child Pornography	2-Feb-09	<i>U.S. v. Andrew Lewis</i> , 07-1462, 554 F.3d 208	Receipt of child pornography in violation of 18 U.S.C. § 2252(a)(2)	Convicted	Not stipulated	The defendant appealed his conviction. The U.S. Court of Appeals for the First Circuit affirmed the conviction.
Child Pornography	12-Feb-09	<i>Keith Nelson v. U.S.</i> , CV09-0090 AWI and CR 07-0134 AWI, 2009 U.S. Dist. LEXIS 16196	One count of possession of material involving the sexual exploitation of minors in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty	30 months of imprisonment	The defendant filed a series of motions. The district court denied the defendant's motion to vacate, correct, or set aside his sentence; all motions for

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						reconsideration; and the motion for certificate of appeal ability.
Child Pornography	13-Feb-09	<i>U.S. v. Jim Bryan Autery</i> , 07-30424, 555 F.3d 864	Possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(b)	Pleaded guilty	Five years of probation	The government did not initially object to the sentence but later appealed, arguing that it was substantively unreasonable. The U.S. Court of Appeals for the Ninth Circuit affirmed the sentence.
Child Pornography	20-Feb-09	<i>Connection Distributing Co.; Rondee Kamins; Jane Doe; John Doe v. Eric H. Holder, Jr.</i> , 06-3822, 09a0063p.06; 557 F.3d 32	Magazine publishers and potential advertisers brought an action against U.S. attorney general seeking to enjoin enforcement of the portion of 18 U.S.C. § 2257 which imposed record-keeping requirements for depictions of sexually explicit conduct.	Enjoin enforcement	Not stipulated	Appeal of an order of the U.S. District Court for the Northern District of Ohio which granted summary judgment to the attorney general. The publishers contended that the requirements under 18 U.S.C. § 2257, that the publishers maintain records of the advertisers' identities and ages, violated the constitutional freedom of speech. The order granting summary judgment to the



Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
						attorney general was affirmed.
Child Pornography/ Solicitation	24-Apr-01	<i>U.S. v. Patrick Neal Champion</i> , 00-5630, 248 F.3d 502	1) using the Internet to coerce and entice a minor to engage in a sexual act in violation of 18 U.S.C. § 2422(b); 2) transporting a minor across state lines with intent to engage in criminal sexual activity in violation of 18 U.S.C. § 2423(a); 3) sexually exploiting a minor in violation of 18 U.S.C. § 2251(a); 4) possession of film depicting minors in sexually explicit conduct in violation of 18 U.S.C. § 2252(a)(4)(B)	Pleaded guilty	160 months of imprisonment; three-year term of supervised release	The defendant appealed his sentence, arguing that he should not have been sentenced as a career offender. The U.S. Court of Appeals for the Sixth Circuit affirmed.
Child Pornography/ Solicitation	17-Aug-01	<i>U.S. v. Catalin Livio Buculei</i> , 00-4584, 262 F.3d 322	Five counts of knowingly employing, using, persuading, inducing, and enticing a minor to engage in sexually explicit conduct for the purposes of producing a visual depiction that	Convicted	Unclear: maximum penalty for counts one, two, four, and five and the minimum (240 months of imprisonment) for count three, with the sentences	The defendant appealed his conviction and sentence. The U.S. Court of Appeals for the Fourth Circuit affirmed the conviction and sentence.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			would be transported in interstate commerce, in violation of 18 U.S.C. §§ 2251(a) and 2251A(b)(2)		running concurrently	
Child Pornography/ Solicitation	29-Oct-01	<i>U.S. v. Lynn Duane Rayl</i> , 01-1338, 270 F.3d 709	1) enticing a minor to engage in sexually explicit conduct to produce a visual depiction in violation of 18 U.S.C. § 2251(a); 2) using interstate facilities to entice a minor to engage in sexual activity in violation of 18 U.S.C. § 2422(b); 3) knowing interstate transportation of child pornography by means of a computer in violation of 18 U.S.C. § 2252A(a)(1); 4) knowing possession of materials containing child pornography transported in interstate commerce by any means, including computers in violation of 18 U.S.C. § 2252A(a)(5)(B)	Convicted on all counts	405 months of imprisonment on count one, lesser concurrent sentences on remaining three counts	The defendant appealed. The U.S. Court of Appeals for the Eighth Circuit affirmed.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
Child Pornography/ Solicitation	1-Jun-07	<i>U.S. v. William James Gallendaro</i> , 07-04-BU-DWM, 540 F. Supp. 2d 1172	Defendant's three-count indictment included one count of possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and one count of sexual exploitation of children in violation of 18 U.S.C. § 2251(a)	Unclear	Not stipulated	The U.S. District Court for the District of Montana, Butte Division, denied the defendant's motion to dismiss the indictment. The plea agreement deadline was extended to June 4, 2007.
Child Pornography/ Solicitation	10-Oct-07	<i>U.S. v. Henry G. McGrattan</i> , 06-3043, 504 F.3d 608	One count of using a computer connected to the Internet to persuade a minor to engage in illegal sexual activity in violation of 18 U.S.C. § 2422(b) and one count of knowingly receiving and distributing child pornography in violation of 18 U.S.C. § 2252A(a)(2)	Initially pleaded not guilty but later changed his plea to guilty on both counts	Unclear; the district court sentenced the defendant to 20 years of imprisonment; five years of supervised release; \$200 assessment	The defendant appealed his sentence. The U.S. Court of Appeals for the Sixth Circuit vacated the sentence and remanded the case for resentencing.
Child Pornography/ Solicitation	5-Dec-07	<i>U.S. v. Bart Linden Holt</i> , 06-30597, 510 F.3d 1007	Coercing and enticing a minor to engage in sexual activity in violation of 18 U.S.C. § 2422(b) and possession of child pornography in	Pleaded guilty	120 months of imprisonment followed by 15 years supervised release	The defendant appealed his sentence. The U.S. Court of Appeals for the Ninth Circuit affirmed the sentence.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			violation of 18 U.S.C. § 2252A(a)(5)(B)			
Child Pornography/ Solicitation	23-Jun-08	<i>U.S. v. David Evan Starr</i> , 07-2397, 533 F.3d 985	Nine counts of sexual exploitation of a child; receipt of child pornography; and possession of child pornography, in violation of 18 U.S.C. §§ 2251(a), 2251(e), 2252A(a)(2)(A), 2252A(b)(1), and 2252(a)(5)(B)	Convicted	720 months of imprisonment	The defendant appealed his sentence. The U.S. Court of Appeals for the Eighth Circuit affirmed the sentence.
Solicitation	14-May-01	<i>U.S. v. Robert E. Farner</i> , 00-20424, 251 F.3d 510	Persuading and enticing a minor to engage in criminal sexual activity in violation of 18 U.S.C. § 2422(b)	Convicted	15 months of imprisonment	Appeal based on grounds that no crime was committed because the “minor” involved was actually an adult federal agent portraying a minor. Appeal denied, conviction affirmed.
Solicitation	25-Jul-03	<i>U.S. v. Brian Panfil</i> , No. 02-15627, 338 F.3d 1299	Using the Internet to persuade a minor to engage in illegal sexual activity in violation of 18 U.S.C. § 2422(b)	Pleaded guilty	33 months of imprisonment	Appeal based on statute terms “entice” and “induce” being unconstitutionally overbroad and vague. Appeal denied, conviction affirmed.

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Solicitation	19-Apr-04	<i>U.S. v. Jeffery Meek</i> , 03-10042, 366 F.3d 705	Using the Internet to induce a minor to engage in sexual activity in violation of 18 U.S.C. § 2422(b)	Pleaded guilty	Not stipulated	Appeal of denial of motion to suppress evidence and to dismiss the indictment regarding a detective assuming a minor's identity to communicate with defendant in instant messaging conversations. Judgment affirmed, appeal denied.
Solicitation	08-Jun-04	<i>U.S. v. Rakesh Dhingra</i> , 03-10001, 371 F.3d 557	Using the Internet to solicit sexual activity from a 14-year-old victim in violation of 18 U.S.C. § 2422(b)	Convicted	24 months of custody and three years of probation	Appeal based on belief that 18 U.S.C. § 2422(b) was unconstitutional because it is overbroad. Conviction and sentence affirmed.
Solicitation	05-Jan-05	<i>U.S. v. Jeffery A. Johnson</i> , 97-CR-0206, 98-CR-160, 446 F.3d 272	Using the Internet to entice minors to engage in sex and engaging in physical sexual contact with minors under 18 U.S.C. §§ 2422(b), 2423(b), and 2252(a)(1)	Convicted	88 months of imprisonment, followed by three years of supervised release	Defendant challenged a condition of his supervised release that prohibited him from using the Internet, except for employment purposes. Judgment affirmed.
Solicitation	28-Jul-05	<i>U.S. v. Edgar Joe Searcy</i> , 03-16282,	Using an internet service provider to	Convicted	180 months of imprisonment	Appealed defendant classification as career

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		418 F.3d 1193,	knowingly persuade, induce, entice, or coerce a minor to engage in unlawful sexual activity in violation of 18 U.S.C. § 2422(b)			offender. Appellate court agreed with the district court's conclusion that 18 U.S.C. § 2422(b) constituted a crime of violence for career offender classification purposes.
Solicitation	10-Aug-05	<i>U.S. v. Samuel Alan Morton</i> , 02-16809, 144 Fed. Appx. 804	Exploitation of a minor in violation of 18 U.S.C. §§ 2252A(a)(1), (a)(4), and 2422(b)	Pleaded guilty to 18 U.S.C. §§ 2252A(a)(1), (a)(4), and 2422(b)	148 months of imprisonment	Appealed claiming contact with undercover police officers portraying someone less than 16 years old, not actual minors. Sentence affirmed.
Solicitation	17-Nov-05	<i>U.S. v. Mauro Casteneda Palacio</i> , 05-50257, 155 Fed. Appx. 131	Using a computer with Internet access to attempt to entice a minor to engage in sexual activity in violation of 18 U.S.C. § 2422	Convicted	Not stipulated	Appeal based on contention that the testimonies of the minor witnesses from his prior offense should not have been admitted into evidence. Judgment affirmed.
Solicitation	12-Dec-05	<i>U.S. v. Andreas Rojas</i> , 04-14825, 145 Fed. Appx. 647	Using a facility of interstate commerce to entice a person under 18 years of age to engage in criminal	Convicted	Not stipulated	Defendant asserted 18 U.S.C. § 2422(b) was unconstitutionally void for vagueness as it failed to clearly define

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			sexual contact in violation of 18 U.S.C. § 2422(b)			the proscribed conduct, and the statute implied the requirement that the offense involve some form of transportation in interstate commerce. Conviction affirmed.
Solicitation	28-Dec-05	<i>U.S. v. Joseph Haynes</i> , 04-15944, 160 Fed. Appx. 940	Knowingly attempting to persuade, induce, entice, and coerce a minor to engage in prohibited sexual activity, in violation of 18 U.S.C. § 2422(b)	Convicted	78 months of imprisonment	Appeal of conviction and sentence on basis that defendant did not meet all requirements for sentencing guidelines. Defendant's conviction was affirmed, but his sentence was vacated and the matter remanded for resentencing.
Solicitation	05-Jan-06	<i>U.S. v. Thomas M. Schnepfer</i> , 04-10100, 161 Fed. Appx. 678	Using the Internet to send obscene photographs to and soliciting sex from someone believed to be a minor in violation of 18 U.S.C. § 2422(b), 18 U.S.C. § 1470	Convicted	60 days of imprisonment	Appeal based on belief defendant was entrapped, communications were with undercover law enforcement officer, not a minor. Conviction and sentence upheld.

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Solicitation	08-May-06	<i>U.S. v. Guilford Watson, III</i> , 05-13555, 179 Fed. Appx. 663	Interstate enticement of minor to engage in illegal sexual activity and child pornography distribution pursuant to 18 U.S.C. §§ 2422(b), 2252A(a)(2)(A)	Convicted	262 months of imprisonment	Appeal based on belief images confiscated in investigation were not of real children. Conviction affirmed.
Solicitation	10-May-06	<i>U.S. v. Todd Tykarsky</i> , 04-4092, 446 F.3d 458	Using the Internet to send sexually explicit instant messages to a minor and arranging to meet her in another state for sexual intercourse, in violation of 18 U.S.C. §§ 2422(b), 2423(b)	Convicted	10 years of imprisonment	Appeal based upon instant message communications with an undercover FBI agent portraying a 14-year-old girl in a chat room, not an actual minor. Conviction affirmed.
Solicitation	26-Jun-06	<i>U.S. v. Jan P. Helder, Jr.</i> , 05-3387, 452 F.3d 751	Using a facility of interstate commerce, the Internet, to attempt to entice a minor to engage in illegal sexual activity in violation of 18 U.S.C. §§ 2422(b), 2423(b)	U.S. District Court for the Western District of Missouri, after a jury returned a guilty verdict, granted defendant's motion for judgment of acquittal, due to lack of involvement of an actual minor.	Not stipulated	Government appeal based on defendant's belief he was communicating with minor over Internet. The court reversed the order of the district court granting defendant's motion for judgment of acquittal and remanded the case to the district court for sentencing.



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Solicitation	10-Aug-06	<i>U.S. v. Billy G. Hicks</i> , 05-3670, 457 F.3d 838	Using the Internet and telephone and traveling interstate to entice a minor into engaging in a sexual act, in violation of 18 U.S.C. § 2422(b)	Indictment dismissed	Not stipulated	The government appealed after the U.S. District Court for the Western District of Missouri dismissed the indictment filed against defendant. The court reversed the district court's order dismissing the indictment and remanded the case back for proceedings consistent with its opinion.
Solicitation	18-Dec-06	<i>U.S. v. Daniel Jasen Thrift</i> , 06-12198, 205 Fed. Appx. 816	Violations of 18 U.S.C. §§ 2422(b) and other charges (2423(b) and (e), and 922(g)(1) and (2))	Convicted	97 months of imprisonment	Appeal based upon belief that district court erred in applying an upward departure to his sentence. Sentence for enticement affirmed.
Solicitation	16-Jan-07	<i>U.S. v. Adam G. McDaniel</i> , 06-80058-CR-ZLOCH, 470 F. Supp. 2d 1372	Sexual conduct with a minor under 18 U.S.C. §§ 2422(b), 2423(b), 2246	Pleaded guilty	Imprisonment of 120 months followed by 10 years of supervision	Appeal based on grounds that sentence is above advisory range. Appeal denied.
Solicitation	01-Feb-07	<i>U.S. v. Thomas Edward Bohannon</i> , 05-16492, 476 F.3d	Corresponded in an Internet chat room with an undercover officer posing as a 15-	Pleaded guilty	120 months of imprisonment	Appealed enhancement of sentence by district court. Appeal denied.

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
		1246	year-old girl, arranged to meet at a hotel for sex and to produce sexually explicit visual material, in violation of 18 U.S.C. § 2422(b)			
Solicitation	30-Jul-07	<i>U.S. v. John T. Spurlock</i> , 06-3262, 495 F.3d 1011	Knowingly transferred obscene matter to an individual believed to have not attained the age of 16 years in violation of 18 U.S.C. § 1470	Convicted	Concurrent 168 and 120 months of imprisonment (includes other convictions)	Appealed based on grounds that communications were sent to undercover law enforcement officer, not an actual minor. Conviction and sentence affirmed.
Solicitation	22-Oct-07	<i>U.S. v. Frank Gagliardi</i> , 06-4541-cr, 506 F.3d 140	Engaging in sexual conversations in Internet chat rooms with government agents portraying minors. One count of attempting to entice a minor to engage in illegal sexual activity pursuant to 18 U.S.C. § 2422(b)	Convicted	60 months of imprisonment	Defendant appealed and claimed there was no actual minor involved in Internet chat room sexual conversations. The court affirmed the conviction.
Solicitation	25-Oct-07	<i>U.S. v. Fidencio Saucedo</i> , 07-20286, 2007 U.S. Dist.	Using a computer connected to the Internet to knowingly attempt to persuade, induce, coerce, and entice an individual	Motion to dismiss indictment	Not stipulated	Defendant seeks to dismiss the indictment on the grounds that the statute does not encompass (1) communication with a

Topic	Date	Case	Violation(s)	Original Plea/Verdict	Sentence	Appeals /Motions
			who had not attained the age of 18 years to engage in sexual activity in violation of 18 U.S.C. § 2422(b)			“decoy parent,” and (2) the facts in the indictment do not establish that Saucedo took a substantial step towards the commission of the crime. The motion was denied.
Solicitation	20-Nov-07	<i>U.S. v. Matthew Dwinells</i> , 06-1709, 508 F.3d 63	Enticing young girls to engage in acts that would violate Mass. Gen. Laws ch. 265, § 23 (2007) or Mass. Gen. Laws ch. 272, § 35A (2007), in violation of 18 U.S.C. § 2422(b)	Convicted	51 months of imprisonment	Defendant argued that an additional “intent” element should be read into 18 U.S.C. § 2422(b): an intent that the enticed conduct actually take place. Court of appeals disagreed and denied appeal.
Solicitation	17-Apr-08	<i>U.S. v. James Rudzavice</i> , 4:07-CR-138-A, 548 F. Supp. 2d 332	Transferred obscene material to individual believed to have not attained age of 16 years in violation of 18 U.S.C. § 1470	Motion to dismiss indictment	Not stipulated	Motion based on statute’s failure to define sexual conduct, violation of First Amendment, community standards, and confrontation rights. Motion denied.
Solicitation	27-May-08	<i>U.S. v. Mark Ciesiolka</i> , 2:06-CR-163, 2008 U.S. Dist.	Using the Internet and a chat room to contact and entice a minor in violation of 18 U.S.C.	Convicted	Not stipulated	Appeal based on improper jury instructions. The jury instructions were

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			§ 2422(b)			deemed proper and the motion was denied.
Solicitation	18-Nov-08	<i>U.S. v. Gary Wayne Ross</i> , 06-00637, 2008 U.S. Dist.	Using the Internet to induce a minor, portrayed by a law enforcement officer, to engage in criminal sexual conduct, in violation of 18 U.S.C. § 2422(b)	Convicted	Not stipulated	Appeal based on following claims: (1) the court gave the jury misleading or inadequate jury instructions; (2) the court erroneously excluded testimony from witness; (3) the evidence was insufficient to convict the defendant. Defendant’s motion for a new trial was denied.

## STATE CASES

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
CA	Child Pornography	2-Jul-02	<i>People v. Anthony Hurtado</i> , D038368, 2002 Cal. App. Unpub. LEXIS 6182	1) causing distribution of child pornography in violation of Penal Code § 311.1(a); 2) advertising for the sale or distribution of child pornography in violation of Penal Code § 311.10; 3-5) possession of child pornography in violation of Penal Code § 311.11(a); 6-8) developing and exchanging child pornography in violation of Penal Code § 311.3(a)	Pleaded guilty to count one in exchange for the dismissal of count two; remaining counts dismissed per statute of limitations	Probation and sex offender registration	The defendant appealed, arguing that such registration constituted cruel and unusual punishment and that the trial judge lacked sufficient evidence. The appellate court affirmed.
CA	Child Pornography	3-Oct-03	<i>People v. Vaughn Jacobs</i> , D041185, 2003 Cal. App. Unpub. LEXIS 9501	One count of attempted forcible lewd act upon a child; one count of attempted lewd act upon a child; 20 felony counts of distributing matter depicting a person under the age of 18 in sexual conduct; and 100 misdemeanor counts of possessing	Pleaded guilty to all charges and admitted to prior strike conviction under California's Three Strikes law	Prison term of nine years and four months	The defendant appealed the sentence, contending the court abused its discretion by not striking the prior strike conviction and failing to stay the five-year enhancement resulting from the prior serious felony conviction finding. The appellate court affirmed the

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
				matter depicting a person under the age of 18 in sexual conduct in violation of Penal Code §§ 311.1(a) and 311.11(a)			judgment.
CA	Child Pornography	30-Apr-04	<i>People v. James Henry Timberlake</i> , B163233, 2004 Cal. App. Unpub. LEXIS 4318	Two counts of committing lewd acts upon children under age 14; four counts of committing lewd acts upon children aged 14-15 years; two counts of continuous sexual abuse of children; forcible rape of a minor; possession or control of child pornography in violation of Penal Code § 311.11	Convicted on all charges. Additionally, jury found defendant had committed lewd acts against more than one child and had two prior strike convictions within the Three Strikes law.	247-year prison term, restitution fine, suspended parole revocation fine	The defendant appealed. The appellate court, with one dissenting opinion, affirmed in part and reversed in part. Count 6 (rape) was struck due to insufficiency of evidence, and the corresponding 25 years to life sentence was vacated. The remaining sentence of 222 years remained in effect.
CA	Child Pornography	23-Jun-05	<i>People v. Alfonso Ozaeta</i> , A107359, 2005 Cal. App. Unpub. LEXIS 5425	20 counts of committing lewd and lascivious acts upon a minor; one count of coercing a minor to participate in child pornography in violation of Penal Code § 311.11(a)	Pled no contest to counts 11 through 20 of lewd acts charges and the child pornography count, so long as the prison term would not exceed	Three years of imprisonment on count 11 and nine consecutive terms of eight months each on the remaining counts, for a total term of nine years	The defendant appealed, contending that his upper term sentence violated the Sixth Amendment under <i>Blakely v. Washington</i> , 124 S. Ct. 2531. The appellate court

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
					nine years		affirmed the sentence.
CA	Child Pornography	1-Nov-05	<i>People v. Charles Roger Noppe</i> , E036678, 2005 Cal. App. Unpub. LEXIS 10007	Four counts (first victim) of sexual battery and committing lewd and lascivious acts on a person under the age of 16; four counts (second victim) of sexual battery; five counts of committing lewd and lascivious acts on a person under the age of 16; three counts of kidnapping; misdemeanor possession of child pornography in violation of Penal Code § 311.11	Convicted	Prison term of 26 years and eight months	The defendant appealed, claiming defects in his conviction of possessing child pornography and insufficiency of evidence, jury instruction, and sentencing error in the other convictions. The appellate court struck two of the kidnapping convictions and remanded the case for resentencing.
CA	Child Pornography	16-Dec-05	<i>People v. Edward Lee Learn</i> , A109084, 2005 Cal. App. Unpub. LEXIS 11569	Two counts of attempting to send harmful material to a minor; one count of willful failure to register as a sex offender; one count of indecent exposure; one count of possession of child pornography in violation of Penal	Initially pleaded not guilty, then changed his plea to guilty to count one and admitted to violating the state's Three Strikes law in return for the dismissal of counts two through five	N/A	N/A

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
				Code § 311.11(a)			
CA	Child Pornography	17-Feb-06	<i>People v. Larry Brandon Stone</i> , D046315, 2006 Cal. App. Unpub. LEXIS 1428	One count of oral copulation with a minor and one count of employing a minor to perform prohibited sexual acts in violation of Penal Code § 311.4(c)	Pleaded guilty after motion to suppress evidence was denied	Sentence suspended; defendant placed on formal probation with certain terms and conditions	The defendant appealed, contending agents lacked probable cause to search his residence and seize his computer. The appellate court affirmed.
CA	Child Pornography	30-Jan-08	<i>People v. John Dale Nicholls II</i> , C054252, 159 Cal. App. 4th 703	Three counts of lewd and lascivious conduct upon a child under age 14; three misdemeanor counts of annoying or molesting a child; five misdemeanor counts of possession of child pornography in violation of Penal Code § 311.11	Pleaded no contest to all charges	Six years of imprisonment on count 1; concurrent six-year terms on counts 2 and 3; concurrent 10-day sentences for each misdemeanor count (includes five counts of possession of child pornography)	The defendant appealed, in part challenging the denial of his motion to reverse and quash a search warrant and suppress child pornography evidence. The appellate court affirmed and a review was subsequently denied.
CA	Child Pornography	1-Dec-08	<i>People v. Kenneth Howard Davidson</i> , A120185, 2008 Cal. App. Unpub. LEXIS 9740	1-2) oral copulation with a minor under 14 years of age and more than 10 years younger than perpetrator; 3-5) lewd acts with child under 14 years of age;	Nine counts dismissed and defendant pleaded guilty to a new count 10: three or more acts of substantial sexual	N/A	N/A



State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
				6-9) possession of pornographic material depicting a minor in violation of Penal Code § 311.11	conduct over a period of at least three months with a child under 14 years of age		
CA	Child Pornography	26-Feb-09	<i>People v. Aaron William Hartnett</i> , E044998, 2009 Cal. App. Unpub. LEXIS 1564	Charged with multiple counts, including two counts of possession of child pornography in violation of Penal Code § 311.11(a)	Pleaded guilty to counts three and four (possession)	Formal probation with various terms and conditions, including serving 180 days in county jail	The defendant appealed, contending that the magistrate erred in issuing a search warrant and that the good faith exception did not apply. The appellate court rejected the defendant's contentions and affirmed the judgment.
CT	Child Pornography	1-Jun-04	<i>State v. Antonio C. Lasaga</i> , SC16707, 269 Conn. 454	Three counts of sexual assault in the first degree; three counts of promoting a minor in an obscene performance in violation of General Statutes 53a-196a(a)(1); 10 counts of risk of injury to a child	Pleaded nolo contendere to two counts of each of the charges after the court denied a motion to suppress evidence	Total effective sentence of 20 years in prison followed by 10 years of special parole	The defendant appealed. The Supreme Court of Connecticut affirmed.
CT	Child Pornography/	7-Feb-06	<i>State v. John Sorabella III</i> ,	Two counts of attempt to commit sexual	Convicted	Total effective sentence of 10	The defendant appealed on multiple

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
	Solicitation		SC17215, 277 Conn. 155	assault in the second degree; two counts of attempt to commit risk of injury to a child by sexual contact; three counts of attempt to commit risk of injury to a child; one count of attempt to entice a minor to engage in sexual activity in violation of General Statutes 53a-90a(a) and 53a-49(a)(1); one count of importing child pornography in violation of General Statutes 53a-196c; one count of obscenity		years of imprisonment, execution suspended after five years, and 15 years of probation	grounds. The Supreme Court of Connecticut affirmed. U.S. Supreme Court: certiorari denied.
CT	Solicitation	10-Dec-07	<i>State v. David Campaniello</i> , CR06350162, 2007 Conn. Super. LEXIS 3220	Attempted sexual assault in the second degree; attempted risk of injury to a child; and attempt to entice a minor in violation of General Statutes 53a-49/53a-90a	Pleaded guilty	Total effective sentence of 12 years of imprisonment suspended after three years and 10 years of probation	The defendant petitioned the court to reduce his sentence. The Superior Court of Connecticut, Judicial District of Waterbury at Waterbury, affirmed the sentence.
FL	Child Pornography	19-Jan-07	<i>A.H., a child v. State</i> , 1D06-0162, 949 So. 2d 234	One count of producing, directing, or promoting a photograph or representation known	Entered a nolo contendere plea with right to appeal following the denial of a	Placed on probation	The defendant appealed on the grounds that the trial court erred in denying her motion to dismiss.

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
				to include the sexual conduct of a child in violation of section 827.071(3), Florida Statutes	motion to dismiss the charges. The defendant argued that section 827.071(3) was unconstitutional as applied to her.		The appellate court affirmed the trial court's decision with one dissenting opinion stating that the court had made a serious error.
FL	Solicitation	12-Nov-99	<i>Timothy P. Hitchcock v. State</i>	Using a computer in an attempt to seduce, solicit, lure, or entice a child, or another person believed by the person to be a child in violation of section 847.0135(3), Florida Statutes	Convicted	Not stipulated	The defendant appealed his conviction. The Court of Appeal of Florida, Fifth District affirmed.
FL	Solicitation	2-Apr-03	<i>Edward Marreel v. State</i>	One count of computer child exploitation in violation of section 847.0135, Florida Statutes	Pleaded guilty	Not stipulated	The defendant appealed, arguing that his motion to dismiss the charge on the grounds of entrapment should have been granted. The Court of Appeal of Florida, Fourth District, found no improper inducement by law enforcement to cause the defendant to commit a crime and therefore affirmed the conviction.

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
FL	Solicitation	18-Feb-04	<i>James M. Karwoski v. State</i> , 4D02-4642, 867 So. 2d 486	Computer pornography and child exploitation in violation of section 847.0135(3), Florida Statutes	Convicted	Community control and placed on sex offender probation	The defendant appealed. The Court of Appeal of Florida, Fourth District, affirmed.
FL	Solicitation	26-Apr-04	<i>Jeffrey L. Cashatt v. State</i> , 1D02-4638, 873 So. 2d 430	Knowingly using a computer on-line service, Internet service, or local bulletin board service to seduce, solicit, lure, or entice a child or a person believed to be a child, or attempt to do so, in violation of section 847.0135(3), Florida Statutes	Pleaded nolo contendere after numerous motions to dismiss were denied	Not stipulated	The appellant challenged the statute on constitutional grounds. The Court of Appeal of Florida, First District, affirmed the conviction and sentence.
FL	Solicitation	15-Nov-04	<i>Michael John Simmons v. State</i>	1) luring or enticing a child by use of an on-line service in violation of section 847.0135, Florida Statutes; 2) transmission of materials harmful to a minor; 3) carrying a concealed firearm	Motions to dismiss all charges were denied; defendant pleaded no contest to counts one and two	Two concurrent five-year terms of probation	The defendant appealed on constitutional grounds. The Court of Appeal of Florida, First District, affirmed.
FL	Solicitation	2-Aug-06	<i>Walter Ludwig Hammel v. State</i> , 2D05-4021, 934	18 counts of using a computer to seduce a child in violation of	Convicted on 15 counts	Consecutive five-year terms of imprisonment for	The defendant appealed his convictions, arguing

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
			So. 2d 634	section 847.0135(3), Florida Statutes		counts one through four; concurrent five-year probationary terms for counts five through seven; concurrent five-year probationary terms for counts nine through 15, to be served consecutively to counts five through seven; a five-year probationary term for count 18, to be served consecutively to counts nine through 15, for a total of 20 years in prison followed by 15 years of probation.	that his convictions violated double jeopardy principles. The Court of Appeal of Florida, Second District, concluded that only one of the 15 convictions violated the prohibition against double jeopardy and therefore reversed the defendant's conviction on count 6 and affirmed the remaining 14 convictions.
MI	Child Pornography	24-Jan-03	<i>People v. David Steiner</i>	One count of distribution of child sexually abusive material in violation of MCL 750.145c(3) and 13 counts of possession of child	Convicted	56 to 84 months of imprisonment on the distribution count and 12 months on the 13 misdemeanor convictions	The defendant appealed. The appellate court affirmed.

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
				sexually abusive material in violation of MCL 750.145c(4)			
MI	Child Pornography	15-Feb-05	<i>People v. Clifford Lee Lewis, Jr.</i> , 248953, 2005 Mich. App. LEXIS 360	10 counts of child sexually abusive activity in violation of MCL 750.145c(2) and one count possession of child sexually abusive material in violation of MCL 750.145c(4)	Convicted	Concurrent terms of 120 months to 20 years of imprisonment for child sexually abusive activity and 12 months for possession of child sexually abusive material	The defendant appealed. The appellate court affirmed.
MI	Child Pornography	10-May-05	<i>People v. Robert Babur Basat</i> , 252518, 2005 Mich. App. LEXIS 1146	Three counts of first-degree criminal sexual conduct; two counts of possession of child sexually abusive material in violation of MCL 750.145c(4)	Convicted	Sentenced for criminal sexual conduct but not for possession of child sexually abusive material	N/A
MI	Child Pornography	1-Jun-05	<i>People v. Russell Douglas Tombs</i> , 125483, 472 Mich. 446	Distributing or promoting child sexually abusive material in violation of MCL 750.145c(3); possession of child sexually abusive material in violation of MCL 750.145c(4); and using the Internet or a computer to	Convicted	Concurrent terms of 17 to 84 months of imprisonment for distribution; 16 to 24 months for using the Internet; 365 days for possession	The defendant appealed. The appellate court reversed the defendant's conviction and sentence for distributing or promoting child sexually abusive material and affirmed

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
				communicate with any person to commit conduct proscribed under MCL 750.145c(4) in violation of MCL 750.145d			the remaining convictions and sentences. The Supreme Court subsequently affirmed the appellate decision.
MI	Child Pornography	22-Sep-05	<i>People v. Richard Leeland Girard</i> , 255452, 269 Mich. App. 15	Five counts of first-degree criminal sexual conduct; three counts of possession of child sexually abusive material in violation of MCL 750.145c(4)	Convicted	Concurrent terms of 17 1/2 to 40 years of imprisonment for each count of criminal sexual conduct and one year for each count of possession of child sexually abusive material	The defendant appealed his conviction. The appellate court affirmed.
MI	Child Pornography	20-Dec-05	<i>People v. Ryan Dale Colter</i> , 257636, 2005 Mich. App. LEXIS 3224	Three counts of first-degree sexual conduct; eight counts of possession of child pornography in violation of MCL 750.145c and eight counts of using a computer to commit a crime	Convicted of three counts of criminal sexual conduct; defendant either acquitted or charges dismissed on remaining charges	N/A	N/A
MI	Child Pornography	9-Nov-06	<i>People v. Robert Eugene Coleman</i> ,	Possession of child sexually abusive	Convicted	Unclear	The defendant appealed his

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
			263861, 2006 Mich. App. LEXIS 3298	material in violation of MCL 750.145c(4)			conviction and sentence. The appellate court affirmed.
MI	Child Pornography	28-Nov-06	<i>People v. Scott William Allen</i> , 261841, 2006 Mich. App. LEXIS 3517	Second-degree criminal sexual conduct and possession of child sexually abusive material in violation of MCL 750.145c(4)	Convicted of second-degree sexual conduct and found not guilty of possession of child sexually abusive material	N/A	N/A
MI	Child Pornography	21-Dec-06	<i>People v. Frederick Harvey Grumbley</i> , 261275, 2006 Mich. App. LEXIS 3748	Possession of child sexually abusive material in violation of MCL 750.145c(4); extortion; child sexually abusive activity in violation of MCL 750.145c(2); and other weapons-related charges	Convicted	24 to 50 years of imprisonment for extortion, attempt to prepare child sexually abusive material, and felon in possession; five to 15 years for possession of child pornography (served concurrently with 24- to 50-year term); and two years for felony-firearm (served preceding and consecutive to sentences on the	The defendant appealed his convictions and sentences. The appellate court affirmed, having found that the defendant was not denied effective assistance of counsel and found no basis to vacate extortion conviction.



State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
						other charges)	
MI	Child Pornography	16-Jan-07	<i>People v. Thomas Ivan Golba</i> , 262261, 273 Mich. App. 603	One count possession of child sexually abusive material in violation of MCL 750.145c(4); one count of unauthorized access to computers	Convicted	Three and one half years of probation and 120 days in jail; register as sex offender	The defendant appealed the portion of his sentence requiring him to register as a sex offender, arguing that he was convicted as a computer crime, which did not require proof of sexual misconduct. The appellate court, with one dissenting opinion, affirmed the sentence.
MI	Child Pornography	19-Jul-07	<i>People v. Wayne Michael Kennedy</i> , 268941, 2007 Mich. App. LEXIS 1766	Child sexually abusive activity in violation of MCL 750.145c(2); communicating with another on the Internet to commit a felony in violation of MCL 750.145d(2)(f); communicating with another on the Internet to commit a felony in violation of MCL 750.145d(2)(c) (disseminating sexually explicit	Convicted	Concurrent terms of 30 to 240 months of imprisonment for child sexually abusive activity; 30 to 240 months for communicating with another on the Internet to commit child sexually abusive activity; 18 to 36 months for disseminating	The defendant appealed. The appellate court affirmed.

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
				material to a minor)		sexually explicit material to a minor	
MI	Child Pornography	18-Dec-07	<i>People v. Shawn Michael Vescoso</i> , 272404, 2007 Mich. App. LEXIS 2814	Six counts of distribution or promoting child sexually abusive material in violation of MCL 750.145c(3); six counts of possession of child sexually abusive material in violation of MCL 750.145c(4); two counts of using a computer to commit a crime	Convicted	12 months in jail and five years of probation for each of the 14 criminal counts	The defendant appealed. The appellate court affirmed in part, reversed in part, and remanded the case for further proceedings.
MI	Child Pornography	10-Jan-08	<i>People v. Charles Anthony Schmeling</i> , 275220, 2008 Mich. App. LEXIS 46	Using a computer to commit a crime; possession of child sexually abusive material in violation of MCL 750.145c(4)	Pleaded guilty	56 months to seven years of imprisonment on one conviction, 17 months to 48 months on the other	The defendant appealed his sentences. The appellate court vacated the defendant's sentence for using a computer to commit a crime and remanded the case to the trial court for resentencing and for correction of the guidelines score for the conviction of possession of child

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
							sexually abusive material. Subsequent appeal denied.
MI	Child Pornography	1-Apr-08	<i>People v. Leonard Paul Patterson</i> , 273937, 2008 Mich. App. LEXIS 661	Possession of child sexually abusive material in violation of MCL 750.145c(4)	Convicted	Not stipulated	The appellate court reversed and remanded the case for a new trial because the trial counsel was constitutionally ineffective.
MI	Child Pornography	29-May-08	<i>People v. James Richard Reiss II</i> , 269630, 2008 Mich. App. LEXIS 1116	Possession of child sexually abusive material in violation of MCL 750.145c(4) and using a computer to commit a crime	Convicted	Three years of probation for each conviction	The defendant appealed. The appellate court affirmed.
MI	Child Pornography	2-Sep-08	<i>People v. Ryan Derrek Althoff</i> , 274906, 280 Mich. App. 524	Possession with intent to disseminate obscene material in violation of MCL 752.365	Pleaded guilty	Register as a sex offender pursuant to the Sex Offenders Registration Act (SORA), pay fines, costs, and fees pursuant to that registration	The defendant appealed; the appellate court denied his delayed application for leave to appeal, and the Michigan Supreme Court remanded the case back to the appellate court for consideration. The appellate court affirmed the trial court's decision requiring the

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
							defendant to register as a sex offender.
MI	Child Pornography	16-Sep-08	<i>People v. Randall A. Raar</i> , 277419, 2008 Mich. App. LEXIS 1853	Three counts of using the Internet or a computer to engage in prohibited communication in violation of MCL 750.145d(2)(d), 16 counts of possession of child sexually abusive material in violation of MCL 750.145c(4)(a), and other weapons-related charges	Convicted	Sentenced as a second habitual offender to 13 months to 15 years in prison for each computer crime conviction; 13 months to six years for each possession conviction; 13 to 90 months for felon in possession of a firearm conviction; and two years for felony-firearm conviction	The defendant appealed. The appellate court affirmed.
MI	Child Pornography	11-Dec-08	<i>People v. Roland Dale Coleman</i> , 280051, 2008 Mich. App. LEXIS 2448	Possession of child sexually abusive material in violation of MCL 750.145c(4)(a)	Convicted	36 months of probation, first six months to be served in jail	The defendant appealed, arguing that the trial court erred in denying his motion to suppress evidence. The appellate court affirmed in part but remanded the case for further proceedings to resolve an issue insufficiently

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
							developed in the present record.
MI	Child Pornography	23-Dec-08	<i>People v. Douglas Brent Lazarus</i> , 277925 and <i>People v Steven Edward Flick</i> , 278531, 2008 Mich. App. LEXIS 2540	Knowing possession of child sexually abusive material in violation of MCL 750.145c(1)(l) and (4)	Not stipulated	Not stipulated	Each defendant filed motions to quash information in their cases. In docket 277925, the circuit court granted Lazarus's motion to quash, but in 278531, the circuit court correctly denied the motion. The appellate court reversed 277925, affirmed 278531, and remanded the cases for further proceedings.
MI	Child Pornography	19-Feb-09	<i>People v. Brian Lee Hill</i> , 281055, 2009 Mich. App. LEXIS 371	Five counts of arranging for, producing, making, or financing child sexually abusive material in violation of MCL 750.145c(2); three counts of installing a device for observing, photographing, or eavesdropping in a private place; five	Convicted	Concurrent prison terms of one day for installing a device; 57 months to 20 years for each of the remaining convictions	The defendant appealed. The appellate court affirmed.

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
				counts of using a computer to commit a crime			
MI	Child Pornography	23-Apr-09	<i>People v Mark McGivney</i> , 282547, 2009 Mich. App. LEXIS 858	Seven counts of child sexually abusive activity in violation of MCL 750.145c(2); seven counts of using a computer to commit a crime	Convicted	Sentenced as a second habitual offender to seven to 30 years in prison for all 14 convictions	The defendant appealed his convictions. The appellate court affirmed.
MI	Child Pornography/ Solicitation	3-Mar-09	<i>People v. Kenneth Richard Gourlay</i> , 278214, 2009 Mich. App. LEXIS 461	Two counts of child sexually abusive activity in violation of MCL 750.145c(2); two counts of using a computer to communicate with another to commit child sexually abusive activity in violation of MCL 750.145c(2)(f); two counts of distributing or promoting child sexually abusive material in violation of MCL 750.145c(3); two counts of using a computer to communicate with another to commit distribution of child	Convicted	Concurrent prison terms of six to 20 years for child sexually abusive activity and using a computer to communicate with another to commit child sexually abusive activity; three to seven years for distributing or promoting child sexually abusive material; four to 10 years for using a computer to communicate with another to distribute child sexually abusive	The defendant appealed his convictions and sentences. The appellate court affirmed the convictions, vacated his sentences, and remanded for resentencing.

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
				sexually abusive material in violation of MCL 750.145d(2)(d); third-degree criminal sexual conduct; soliciting a child for immoral purposes in violation of MCL 750.145a		material; five to 15 years for criminal sexual conduct; 145 days for soliciting a child	
MI	Solicitation	16-Apr-02	<i>People v. Ronald Marvin Meyers</i> , 231817, 250 Mich. App. 637	Using the Internet to communicate with a person for the purpose of attempting to commit conduct in violation of MCL 750.145a and d(1)(b)	Pleaded guilty	Initially two years of probation; later amended the sentence to require defendant to register as a sex offender	The defendant appealed his sentence. The appellate court affirmed.
MI	Solicitation	12-Oct-04	<i>People v. Alan R. Harris</i> , 242766, 2004 Mich. App. LEXIS 2642	Child sexually abusive activity in violation of MCL 750.145c(2)	Convicted	One and one half to 20 years of imprisonment	The defendant appealed. The appellate court affirmed.
MI	Solicitation	10-Aug-06	<i>People v. Lowell Gene Adkins</i> , 260451, 272 Mich. App. 37	Attempting or preparing to commit child sexually abusive activity in violation of MCL 750.145c(2) and using a computer or the Internet to attempt to commit child sexually abusive activity in violation of MCL 750.145d(1)(a)	Pleaded guilty	Concurrent prison terms of one to 20 years for each conviction	The defendant appealed, challenging the trial court's denial of his motion to withdraw his guilty plea and arguing that the court erred when it ruled MCL750.145c(2) applied to his admitted conduct. The

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
				and (2)(f)			appellate court affirmed.
MI	Solicitation	19-Sep-06	<i>People v. Kevin Michael Roberts</i> , 260644, 2006 Mich. App. LEXIS 2705	Child sexually abusive activity in violation of MCL 750.145c(2) and using a computer to commit a crime	Convicted	Concurrent terms of three to 20 years of imprisonment for each conviction	The defendant appealed. The appellate court affirmed.
MI	Solicitation	28-Aug-07	<i>People v. Lawrence Frank Cobb</i>	Attempting, preparing, or conspiring to arrange for child sexually abusive activity in violation of MCL 750.145c(2), and using the Internet to communicate with another to commit or attempt to commit child sexually abusive activity in violation of MCL 750.145c(1)(a) and (2)(f)	Convicted	Two to 20 years of imprisonment for each count	The defendant appealed. The appellate court affirmed.
MI	Solicitation/ Child Pornography	18-Apr-06	<i>People v. Jonathan Cervi</i> , 262331, 270 Mich. App. 603	Two counts of using a computer or the Internet to communicate with someone believed to be a minor for the purposes of committing or	The district court dismissed two of the three counts	N/A	The government appealed a circuit court order affirming the district court's dismissal of two of the counts charged. The appellate court affirmed in part,



State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
				attempting to commit second-degree criminal sexual conduct in violation of MCL 750.145d(1)(a) and one count of using the Internet or a computer to produce or attempt to produce child sexually abusive material in violation of MCL 750.145c(2)			reversed in part, and remanded the case
MO	Child Pornography	02-Dec-03	<i>State of Missouri v. David L. Sanders</i> , WD61432, 126 S.W.3d 5	One count of promoting child pornography in the first degree in violation of Mo. Rev. Stat. § 573.025	Convicted	15 years of imprisonment	Appealed based on possibility that someone else took child pornography pictures. Court of appeals agreed and overturned possession of child pornography conviction.
MO	Child Pornography	08-Dec-04	<i>State of Missouri, v. Richard B. Hagan</i> , 25854, 150 S.W.3d 358	Two counts of promoting child pornography in the first degree in violation of Mo. Rev. Stat. § 573.025	Convicted as prior offender	Not indicated	Appeal claimed trial court erred in submitting jury instructions that did not specifically require the jurors to find that defendant knew that a participant on the videotape was under 18 years of age, thus

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							lowering the State's burden of proof. Judgment affirmed.
MO	Child Pornography	18-Jul-06	<i>State of Missouri v. Frank W. Petering</i> , WD64748, 196 S.W.3d 654	First-degree promotion of child pornography and second-degree promotion of child pornography in violation of Mo. Rev. Stat. §§ 573.025 and 573.030	Convicted	Not indicated	Appeal based on opinion that the trial court erred in admitting evidence obtained by unsupported search warrant and in admitting summaries of witness testimony, to which the parties had stipulated. Judgment affirmed.
MO	Child Pornography	28-Nov-06	<i>State of Missouri v. Denis L. Slagle</i> , WD65822, 206 S.W.3d 404	One count of possession of child pornography in violation of Mo. Rev. Stat. § 573.030	Convicted as prior offender	Two years of imprisonment	Appealed based on opinion that the trial court's denial of his motion for a mistrial after the state and several witnesses alluded to the possibility of multiple victims was an abuse of discretion. Judgment affirmed.
MO	Child Pornography	15-May-07	<i>State of Missouri v. Jack Kenneth Pruitt</i> , ED88552, 223 S.W.3d 178	Class A misdemeanor for possession of child pornography in violation of Mo. Rev. Stat. § 573.03	Convicted	Not indicated	Appeal based on claim that the trial court erred and abused its discretion in allowing the jury to

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
							see the photographs of child pornography that were found inside defendant's house. Judgment affirmed.
MO	Solicitation	19-Oct-04	<i>State of Missouri v. Clarence K. Bouse</i> , WD62344, 150 S. W.3d 326	Three counts of exposing genitals to a child less than 15 years of age in violation of Mo. Rev. Stat. § 566.083	Convicted	Not indicated	Defendant appealed based on belief that exposure via photographs was not sexual misconduct involving a child. Judgment affirmed.
MO	Solicitation	30-Oct-06	<i>State of Missouri v. Donal R. Wadsworth, II</i> , 27388, 203 S.W.3d 825	Seven counts of the attempted enticement of a child via instant messaging in violation of Mo. Rev. Stat. § 566.151	Convicted	Two consecutive one-year prison terms and \$25,000 fine	Appeal based on claim of lack of sufficient evidence. Judgment affirmed.
MO	Solicitation	11-Oct-07	<i>State of Missouri, v. Billy Joe Ward</i> , 27976, 235 S.W.3d 71	Attempted enticement via e-mail of a child in violation of Mo. Rev. Stat. § 566.15	Convicted	Not indicated	Appealed based on lack of sufficient evidence to convict. Judgment affirmed.
MO	Solicitation	20-Nov-07	<i>State of Missouri v. Gregory Carl Scott</i> , WD67075, 238 S.W.3d 236	One count of attempted enticement of a child in chat rooms in violation of Mo. Rev. Stat. § 566.151	Convicted	Not indicated	Appeal based on state's attempt to introduce photographs found on defendant's computer into evidence. Judgment affirmed.

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
MO	Solicitation	10-Mar-09	<i>State of Missouri v. Jason Baxter</i> , ED91201, 2009 Mo. App.	Attempting to entice a child via Internet chat room and text messaging (and other charges), a violation of Mo. Rev. Stat. § 566.151	Convicted	Five years of imprisonment	Appealed based on claim that the trial court erred in denying defendant's request for a mistrial and in refusing to consider a suspended imposition of sentence (SIS) and probation. Judgment affirmed.
NC	Child Pornography	6-Nov-07	<i>State v. Tad William Dexter</i> , COA06-1611, 186 N.C. App. 587	Nine counts of third-degree sexual exploitation of a minor in violation of N.C.G.S. 14-190.17A	Convicted	Several suspended sentences of six to eight months of imprisonment, an active sentence of 60 days, intensive supervision for six months, and 36 months of supervised probation	The defendant appealed. The appellate court found no error.
NC	Child Pornography	20-Nov-07	<i>State v. James Steven Galanis</i> , COA07-215, 2007 N.C. App. LEXIS 2329	Third-degree sexual exploitation of a minor in violation of N.C.G.S. 14-190.17A	Convicted	Suspended sentence of six to eight months or imprisonment, supervised probation for 24 months	The defendant appealed. The appellate court found no error.
NC	Child Pornography	19-Feb-08	<i>State v. Samuel Eugene Ellis, Jr.</i> , COA07-142, 188	Multiple third-degree sexual exploitation of a minor in violation of	Convicted	Six consecutive suspended sentences and a	The defendant appealed, arguing that the trial court erred in

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
			N.C. App. 820	N.C.G.S. 14-190.17A		total of five years of probation; defendant to serve sentences if probation is revoked.	denying his motion to dismiss some or all of the charges on grounds of double jeopardy. The appellate court found no error.
NC	Child Pornography	17-Jun-08	<i>State v. Marcus Devin Riffe</i> , COA07-1130, 661 S.E. 2d 899	12 counts of third-degree sexual exploitation of a minor in violation of N.C.G.S. 14-190.17A	Convicted	Six consecutive suspended sentences of five to six months of imprisonment and a supervised probationary term of 36 months	The defendant appealed. The appellate court found no error.
NC	Solicitation	6-Jan-09	<i>State v. Chris Randolph Morse</i> , COA08-663, 671 S.E. 2d 538	Knowingly soliciting a person believed to be a child by computer with intent to commit an unlawful sex act in violation of N.C.G.S. 14-202.3	Convicted	Active sentence of six to eight months of imprisonment	The defendant appealed. The appellate court found no error.
NC	Solicitation/ Child Pornography	7-Aug-07	<i>State v. Marvin Harold Witherspoon</i> , COA06-275, 2007 N.C. App. LEXIS 1706	Five counts of second-degree sexual exploitation of a minor in violation of N.C.G.S. 14-190.17; four counts of first-degree exploitation of a minor in violation of 14-190.16(a)(1); one	Convicted of four counts of first-degree sexual exploitation of a minor and one count of statutory sex offense	300 to 369 months of imprisonment	The defendant appealed. The appellate court affirmed the trial court's denial of a motion to suppress evidence and remanded defendant's motion for appropriate

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
				count of statutory sex offense of a person aged 13 to 15 years			relief to the trial court for an evidentiary hearing.
NH	Solicitation	01-Apr-05	<i>The State of New Hampshire v. Roland MacMillan</i> , 2004-402, 152 N.H. 67; 872 A.2d 1031	Defendant contacted a detective posing as a 14-year-old girl in an Internet chat room and solicited a sex act for money in violation of N.H. Rev. Stat. Ann. § 649-B:4.	Court denied motion to enter police detective's testimony concerning Internet conversations into evidence.	Not indicated	State appealed denial of motion and claimed detective's knowledge of conversations was gained without illegal interception. Order reversed, case remanded.
NH	Solicitation	15-Jul-05	<i>The State of New Hampshire v. Christopher Lott</i> , 2004-380, 152 N.H. 436; 879 A.2d 1167	Defendant contacted a detective posing as a 14-year-old in a chat room and directed the conversation toward sex acts, solicited the alleged girl for sex, and arranged to meet in violation of N.H. Rev. Stat. Ann. § 649-B:4.	Convicted	Not indicated	Defendant appealed conviction and claimed the court incorrectly denied defendant's motion to suppress evidence. The court determined there was no violation because defendant knew his messages were recorded and implicitly consented to the recording. Judgment affirmed.
NH	Solicitation	16-Jun-06	<i>The State of New Hampshire v. Keith Lacasse</i> , 2005-189, 153 N.H. 670	Knowingly using an on-line computer service to solicit a person whom defendant believed to be a child under the	Convicted	Not indicated	Defendant appealed and claimed there was insufficient evidence to establish that he believed the person he solicited to be under

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				age of 16 to engage in sexual intercourse in violation of N.H. Rev. Stat. Ann. § 649-B:4			the age of 16. Judgment affirmed.
NJ	Child Pornography	30-Jun-00	<i>State of New Jersey v. Eugene F. Brady, Jr.</i> , A-1398-99T2, 332 N.J. Super. 445; 753 A.2d 1175	Computer images of nude children seized from defendant's home in violation of N.J. Stat. Ann. § 2C:24-4(b)	Indictment dismissed	Not indicated	State appealed dismissal of an indictment against defendant for endangering child welfare. Judgment reversed.
NJ	Child Pornography	13-Feb-03	<i>State of New Jersey v. William T. Evers</i> , A-81/82 September Term 2001, 175 N.J. 355; 815 A.2d 432	Defendant emailed child pornography to California sheriff's deputy, posing as a minor, from a child pornography chat room. Deputy forwarded name and address of defendant to New Jersey police, who obtained a search warrant and found 40 images of child pornography on the defendant's hard drive in violation of N.J. Stat. Ann. § 2C:24-4.	Pleaded guilty	Five years of probation and a 364-day jail term, which was conditionally suspended	Defendant appealed search of his house performed under search warrant obtained by California sheriff's deputy and sent to New Jersey police. State appealed sentence. Defendant's appeal affirmed. State's appeal reversed. Court remanded case to trial.
NJ	Child Pornography	08-Jul-03	<i>State of New Jersey v. Daniel Gruber</i> , A-1425-	Defendant entered a chatroom and conversed with an	Indictment dismissed (State of New York had	(New York state) Five years of probation along	The state appealed dismissal of indictment. Offense

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			02T2, 362 N.J. Super. 519; 829 A.2d 284	undercover officer, posing as a 14-year old boy, and sent the officer child pornography in violation of N.J. Stat. Ann. § 2C:24-4b(5)(a), (b).	already convicted defendant for same crime)	with sex offender registration	occurred in both New York and New Jersey and New York had already convicted the defendant. Judgment reversed trial court and agreed New Jersey's interests were not met by the New York conviction.
NJ	Child Pornography	24-Jul-03	<i>State of New Jersey v. Kevin Sissler</i> , A-39 September Term 2002, 177 N.J. 199; 827 A.2d 274	Defendant printed child pornography from a computer for personal use in violation of N.J. Stat. Ann. § 2C:24-4b(5)(b)	Dismissed (should have been charged as a fourth-degree offense)	Not indicated	State appealed dismissal of second-degree offender of child pornography reproduction charge. Decision affirmed.
NJ	Child Pornography	18-Aug-03	<i>State of New Jersey v. Allen May</i> , A-3392-01T4, 362 N.J. Super. 572; 829 A.2d 1106	Defendant possessed, received, and distributed child pornography using the Internet and his home computer, in violation of N.J. Stat. Ann. § 2C:24-4b(5)(a), (b)	Convicted	Not stipulated	Defendant appealed based on claim that images were not of virtual children and prosecutor did not explain the burden of proof as to real or virtual images to the jury. Court reversed conviction and remanded matter for retrial.
NY	Child Pornography	20-Feb-01	<i>The People of the State of New York v. Paul Fraser</i> , 96	Possessing sexual performance by child in violation of N.Y.	Convicted	Five years of probation and 500 hours of	Defendant claimed he possessed child pornography on his



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			N.Y.2d 318; 752 N.E.2d 244; 728 N.Y.S.2d 115	Penal Law § 263.16		community service	computer for scientific research. The court affirmed the conviction and held that the graphic images stored in defendant's computer were digital images that qualify as "photographs," possession of which is prohibited under the law.
NY	Child Pornography	19-Dec-02	<i>The People of the State of New York v. Alan R. Horner</i> , 13682, 300 A.D.2d 841; 752 N.Y.S.2d 147	Possession of child pornography in violation of N.Y. Penal Law § 263.16	Indictment dismissed	Not stipulated	The state appealed a lower court decision to limit the number of photographs allowed in evidence and to drop an indictment against the defendant. The appellate court reinstated the indictment.
NY	Child Pornography	23-Apr-03	<i>The People of the State of New York v. Stephen Garing</i> , 1893-2002 2003 NY Slip Op 51508U; 1 Misc. 3d 904A; 781 N.Y.S.2d 626	25 counts of child pornography possession in violation of N.Y. Penal Law § 263.16	Motion to dismiss indictment of child pornography charges	Not stipulated	The defendant claimed materials seized by the police are protected under the First Amendment. The court denied the motion and held that child pornography is not protected by the

State	Topic	Date	Case	Violation	Original Plea/Verdict	Sentence	Appeals/Motions
							First Amendment.
NY	Child Pornography	10-Feb-05	<i>The People of the State of New York v. Brian P. Keebler</i> , 14862, 15071, 15 A.D.3d 724; 789 N.Y.S.2d 547	Two counts of promoting sexual performance by a child in violation of N.Y. Penal Law § 263.15	Pleaded guilty	Two consecutive sentences; duration not indicated	The defendant gave multiple reasons for a review of his guilty pleas, including the claim that there was no proof the children in the pictures were real, i.e., not computer-generated. The New York Supreme Court affirmed the decision of the trial court.
NY	Solicitation	11-Apr-00	<i>The People of the State of New York v. Thomas R. Foley, Sr.</i> , 17, 94 N.Y.2d 668; 731 N.E.2d 123; 709 N.Y.S.2d 467	Defendant chatted online with police officer, posing as a 15-year-old girl, and sent pornographic material and solicited sexual activity with the alleged victim. Promoting sexual performance by children and attempted disseminating of indecent material utilizing Internet technology in violation of N.Y. Penal Law § 235.22,	Convicted	Not indicated	Defendant appealed and argued that proscribing predatory pedophile activity utilizing Internet technology was unconstitutionally broad and vague. The court said the statute served the compelling interest of preventing the sexual abuse of children and was no broader than necessary. Judgment affirmed.

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				263.15			
NY	Solicitation	06-Sep-01	<i>The People of the State of New York v. Anthony Gallicchio</i> , 01-0300, 189 Misc.2d 182; 730 N.Y.S.2d 671	Defendant used a computer communication system to engage a person he believed to be a minor in a series of sexually explicit on-line conversations and offered that person money in return for sex with defendant. Attempted dissemination of indecent material to minors in the first degree, N.Y. Penal Law § 110.00, 235.22	Indicted	Not indicated	Defendant appealed and filed motions to dismiss the indictment for prosecutorial misconduct. The court denied the motions to dismiss the indictment.
NY	Solicitation	26-Apr-07	<i>The People of the State of New York v. Jeffrey Kozlow</i> , 49, 2007 NY Slip Op 3592; 8 N.Y.3d 554; 870 N.E.2d 118; 838 N.Y.S.2d 800	Defendant used instant message and Internet to communicate with a police officer, posing as a 14-year-old boy. Attempted dissemination of indecent material to minors in the first degree in violation of Penal Law § 235.22	Convicted. Subsequently reversed by New York Appellate Court	Not indicated	State appealed conviction reversal by appellate court and argued the lower court did not take into account sexually infused communications by the defendant. The Court of Appeals reversed the decision and remitted the case back for consideration.

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PA	Child Pornography	29-Jul-03	<i>Commonwealth of Pennsylvania v. Chadworth R. Robertson-Dewar</i> , 1131 MDA 2002, 2003 PA Super 280; 829 A.2d 1207	Possession of child pornography in violation of 18 Pa. C.S. § 6312(c) and dissemination of child pornography in violation of 18 Pa. C.S. § 6312(d)	Convicted	Two and one-half to five years of imprisonment	Defendant challenged the sufficiency of the evidence. Judgment affirmed.
PA	Child Pornography	08-Mar-06	<i>Commonwealth of Pennsylvania v. Jason Christopher Pepe</i> , 1442 WDA 2004, 2006 PA Super 49; 897 A.2d 463	Child pornography offenses under 18 Pa. C.S. § 6312(b), (c), (d)	Found guilty	No less than nine and no more than 18 months of imprisonment and 84 months of probation	Defendant appealed decision that the statute prohibits “virtual” child pornography that neither depicts nor utilizes real minors. Court decided prosecution was based on real, not virtual, children. Judgment affirmed.
PA	Child Pornography	11-Sep-06	<i>Commonwealth of Pennsylvania v. Kelly Kenneth Hartman</i> , 991 MDA 2005, 2006 PA Super 251; 908 A.2d 316	Photographs of naked girls found on defendant’s computer’s hard drive. Sexual abuse of children under 18 Pa. C.S. § 6312(d)(1)	Pleaded guilty	Five years of probation	Defendant appealed probation terms. Judgment affirmed.
PA	Child Pornography	25-Oct-06	<i>Commonwealth of Pennsylvania v. Michael A. Gomolekoff</i> , 478	Possession of child pornography in violation of 18 Pa. C.S. § 6312	Convicted	Not indicated	Defendant appealed and argued the search warrant that resulted in his arrest and

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			WDA 2006, 2006 PA Super 301; 910 A.2d 710				conviction was invalid. Judgment affirmed.
PA	Child Pornography	20-Nov-07	<i>Commonwealth of Pennsylvania v. Joseph Henry Paul Davidson</i> , 34 MAP 2005, 595 Pa. 1; 938 A.2d 198	Possession of child pornography, in violation of 18 Pa. C.S. § 6312(d)	Convicted	Not less than one year less one day nor more than two years less one day of imprisonment and five years of probation. Also, appellant was ordered to undergo a psychosexual evaluation.	Defendant appealed and claimed statute was vague and overbroad. Judgment affirmed.
PA	Child Pornography	21-Apr-08	<i>Commonwealth of Pennsylvania vs. Hiram Vargas</i> , 1107 EDA 2007, 2008 PA Super 75; 947 A.2d 777	Distribution of child pornography in violation of 18 Pa. C.S. § 6312(d) and (c)(1)	Charges dismissed	Not indicated	Commonwealth appealed dismissal of charges for lack of jurisdiction regarding the 17-year-old defendant. The court of appeal found the defendant had the content after turning 18 years old. Judgment reversed and case remanded for further hearing.
PA	Child Pornography	26-May-09	<i>Commonwealth of Pennsylvania v. Anthony Diodoro</i> ,	Accessing and viewing child pornography over the	Convicted	Nine to 23 months of imprisonment and five years of	Defendant appealed and argued he did not have control of child

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			117 MAP 2007, 970 A.2d 1100	Internet in violation of 18 Pa. C.S. § 6312(d)		probation	pornography. Conviction affirmed.
PA	Solicitation	15-Apr-04	<i>Commonwealth of Pennsylvania v. Dominick Joseph</i> , 1951 MDA 2002, No. 1909 MDA 2002, 2004 PA Super 119; 848 A.2d 934	Solicited, via email, a person thought to be a minor, actually a police officer, to engage in sexual relations. State law not stipulated.	Convicted	Suspended sentence with stipulation that defendant was to be deported to his native India.	Defendant appealed and claimed the lower court failed to take into account absence of prior arrest record. Court disagreed. State appealed suspended sentence. Court vacated defendant's judgment of sentence and remanded the matter to the trial court for resentencing.
PA	Solicitation	24-Jan-05	<i>Commonwealth of Pennsylvania vs. Jimmy Jacob</i> , 1044 EDA 2004, 2005 PA Super 29; 867 A.2d 614	Unlawful contact with a minor via the Internet in violation of 18 Pa. C.S. § 6318. Defendant sent multiple sexually illicit Internet chat room communications to a police officer, portraying a 12-year-old girl, and made plans to meet the girl for sexual relations.	Convicted	Two to four years of imprisonment	Defendant claimed the Commonwealth did not present sufficient evidence to convict. The court found sufficient evidence in defendant's actions. Judgment affirmed.
PA	Solicitation	04-Jun-07	<i>Commonwealth of Pennsylvania v. Phillip Crabill</i> ,	Criminal attempt at unlawful contact with a minor under 18 Pa.	Convicted	11 to 23 months of incarceration imposed for	Defendant challenged the sufficiency of the evidence. Superior

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			904 MDA 2006, 2007PA Super 161; 926 A.2d 488	C.S. § 6318(a)(1)		criminal attempt at unlawful contact with a minor, followed by 36 months of probation for criminal use of a communication facility	Court affirmed judgment and held that use of computer and graphic description of intended sexual acts with someone believed to be 12 years old showed intent to commit crime.
PA	Solicitation	03-Dec-07	<i>Commonwealth of Pennsylvania v. Branden Zurburg</i> , 92 MDA 2007, 2007 PA Super 363, 937 A.2d 1131	14 counts of criminal solicitation (via e- mail) of undercover officer portraying a minor. State law not stipulated.	Convicted	Nine to 40 years of imprisonment	Defendant appealed sentence for being too harsh. Judgment affirmed.
PA	Solicitation	07-Jul-08	<i>Commonwealth of Pennsylvania v. David M. Krause</i> , 5239-03, 2008 Pa. Dist. & Cnty. Dec.; 4 Pa. D. & C.5th 449	Unlawful contact with a minor via the Internet in violation of 18 Pa. C.S. § 6318	Convicted	Not less than three and one half years and not more than seven years of imprisonment	Defendant claimed there was insufficient evidence. Internet chats established defendant's intent. Judgment affirmed.