

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAR 28 2012 *ds*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

ERNEST BRIAN TUCKER,)

Defendant.)

CRIMINAL NO. 12-712 JH

Counts 1-3: 18 U.S.C. §§ 2252(a)(2),
2252(b)(1), and 2256: Receipt of a
Visual Depiction of Minors Engaged in
Sexually Explicit Conduct;

Counts 4-5: 18 U.S.C. §§ 2252(a)(4)(B),
2252(b)(2), and 2256: Possession of
Matter Containing Visual Depictions of
Minors Engaged in Sexually Explicit
Conduct.

INDICTMENT

The Grand Jury charges:

Counts 1-3

On or about the dates set forth below, in Sandoval County, in the District of New Mexico, the defendant, **ERNEST BRIAN TUCKER**, did knowingly receive a visual depiction contained in the computer files described below, which visual depiction had been received using any means and facility of interstate and foreign commerce, and which visual depiction had been mailed and shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been so mailed and shipped and transported in interstate and foreign commerce by any means, including by computer, the production of which visual depiction involved the use of a minor engaged in sexually explicit conduct and is of such conduct:

<u>COUNT</u>	<u>FILENAME</u>	<u>DATE</u>
1	zyz 9 yo Blonde Daughter Fingered in Camping Tent Incest(3m8s)exQ(sound)36,79 8KB pthc underage R@ygold preteen illegal sister.avi	July 27, 2010 at 6:37:50 PM
2	mar32017.jpg	March 10,2010 at 9:38:05 PM
3	08~mist131.jpg	March 27, 2010 at 7:18:37 PM

In violation of 18 U.S.C. §§ 2252(a)(2), 2252(b)(1), and 2256.

Count 4

On or about March 7, 2012, in Sandoval County, in the District of New Mexico, the defendant, **ERNEST BRIAN TUCKER**, did knowingly possess a Gateway Computer, Serial Number 0039090881, with an internal Seagate Hard Drive, Serial Number 9VP3W5E8, containing a visual depiction that had been shipped and transported using any means and facility of interstate and foreign commerce, and had been shipped and transported in and affecting interstate and foreign commerce, and was produced using materials which had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer, the production of which visual depiction involved the use of a minor engaging in sexually explicit conduct and is of such conduct.

In violation of 18 U.S.C. §§ 2252(a)(4)(B), 2252(b)(2), and 2256.

Count 5

On or about March 7, 2012, in Sandoval County, in the District of New Mexico, the defendant, **ERNEST BRIAN TUCKER**, did knowingly possess a Toshiba External Hard Drive, Serial Number 59SCS7EBS containing a visual depiction that had been shipped and transported using any means and facility of interstate and foreign commerce, and had been shipped and transported in and affecting interstate and foreign commerce, and was produced using materials which had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer, the production of which visual depiction involved the use of a minor engaging in sexually explicit conduct and is of such conduct.

In violation of 18 U.S.C. §§ 2252(a)(4)(B), 2252(b)(2), and 2256.

FORFEITURE ALLEGATIONS

Upon conviction of any offense alleged in this indictment, the defendant, **ERNEST BRIAN TUCKER**, shall forfeit to the United States pursuant to 18 U.S.C. §§ 2252 and 2253:

- A). Gateway Computer, Serial Number 0039090881, with an internal Seagate Hard Drive, Serial Number 9VP3W5E8;
- B). Toshiba External Hard Drive, Serial Number 59SCS7EBS; and
- C). Any other seized computer or computer-related media that contains evidence or is an instrumentality of a violation of 18 U.S.C. § 2252.

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney

JT 03/23/12 11:34am