

CF D.C.
ELECTRONIC
Jan 17, 2012
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
12-20035-CR-SEITZ/SIMONTON
CASE NO.

18 U.S.C. § 2252(a)(2) and (b)(1)
18 U.S.C. § 2252(a)(4)(B) and (b)(2)
18 U.S.C. § 2253

UNITED STATES OF AMERICA

vs.

DONALD BARTLING,

Defendant.

INDICTMENT

The Grand Jury charges that:

COUNT 1

On or about October 25, 2011, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

DONALD BARTLING,

did knowingly distribute any visual depiction, using any means and facility of interstate and foreign commerce and that has been shipped and transported in interstate and foreign commerce by any means, including by computer, and the production of such visual depiction involved the use of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such visual depiction was of such conduct, in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

COUNT 2

On or about December 8, 2011, in Miami-Dade County, in the Southern District of Florida,
the defendant,

DONALD BARTLING,

did knowingly possess matter, that is, a desktop computer, which contained any visual depiction that had been shipped and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, by any means, including by computer, and which was produced using materials which have been so shipped and transported, by any means, including by computer, and the production of such visual depiction having involved the use of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such visual depiction was of such conduct, in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and (b)(2).

CRIMINAL FORFEITURE

1. The allegations of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **DONALD BARTLING**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 2252, as alleged in this Indictment, the defendant shall forfeit all of his right, title and interest to the United States in the following property pursuant to Title 18, United States Code, Section 2253:

a. any visual depiction of a minor engaged in sexually explicit conduct, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110,

Title 18, United States Code;

b. any property, real or personal, constituting or traceable to gross profits or other proceeds which the defendant obtained from such violation; and

c. any property, real or personal, used or intended to be used to commit or to promote the commission of such violation and any property traceable to such property.

3 The property which is subject to forfeiture includes, but is not limited to, one (1) desk top computer.

All pursuant to Title 18, United States Code, Section 2253, and the procedures set forth at Title 21, United States Code, Section 853, as made applicable by Title 18, United States Code, Section 2253(b).

A TRUE BILL

FOREPERSON



WIFREDO A. FERRER
UNITED STATES ATTORNEY



AMANDA PERWIN
ASSISTANT UNITED STATES ATTORNEY