

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

UNITED STATES OF AMERICA	*	CRIMINAL NO. 13-162
VERSUS	*	SECTION: C
ROGER BRENT CHURCHWELL	*	

* * *

F A C T U A L B A S I S

The defendant, **ROGER BRENT CHURCHWELL** (hereinafter, the “defendant” or “**CHURCHWELL**”), has agreed to plead guilty as charged to the Bill of Information pending against him, charging him with receipt of child pornography, in violation of Title 18, United States Code, Section 2252(a)(2). Should this matter proceed to trial, both the Government and the defendant, **ROGER BRENT CHURCHWELL**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty. The Government and the defendant further stipulate that the Government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against the defendant:

The Government would show that, at all times mentioned in the Bill of Information, the

defendant, **ROGER BRENT CHURCHWELL**, was a resident of the Eastern District of Louisiana and lived in New Orleans, Louisiana.

The Government would further present competent testimony and evidence, including the statements of eyewitnesses, that on or about September 16, 2012, at approximately 2:30 a.m., **CHURCHWELL** entered the Old Point Bar, located in Algiers Point, New Orleans, Louisiana. **CHURCHWELL** carried with him an Apple iPhone 3GS, with Serial Number 88215MB8EDG (“iPhone”). Prior to leaving the Old Point Bar at approximately 3:30 a.m., **CHURCHWELL** went to the restroom, where he left his iPhone. A patron at the Old Point Bar found the iPhone after **CHURCHWELL** had left and looked at photographs saved on the iPhone in an attempt to identify to whom it belonged. During the cursory search, the customer saw multiple images depicting the sexual exploitation of children. The Federal Bureau of Investigation (“FBI”) was contacted shortly thereafter.

The Government would further present testimony and evidence that the FBI retrieved the iPhone on about September 17, 2012, and on about September 20, 2012, a United States Magistrate Judge in the Eastern District of Louisiana signed a search warrant, based on probable cause, authorizing the FBI to review the iPhone.

The Government would further present testimony, including the testimony of a forensic examiner with the FBI, that the subsequent search of the iPhone determined that **CHURCHWELL** was downloading images depicting the sexual exploitation of children (“child pornography”) and storing the images on the iPhone. Further, the evidence and testimony would establish that a computer forensic search of **CHURCHWELL’S** iPhone revealed more than 300 files depicting the sexual victimization of children on the iPhone.

Further, the Government would establish, through introducing the results of the computer forensic search, that beginning on about August 26, 2011, between approximately 3:08 a.m. and 7:00 p.m. local time, while in Palestine, Illinois, **CHURCHWELL** downloaded images and videos of child pornography, including, but not limited to, files entitled “IMG_0211.jpg” depicting a prepubescent white girl with dark hair, lying on her back in an empty bathtub. Her knees are pulled up to her chest fully exposing her genitals to the camera, and “IMG_0212.jpg,” depicting a prepubescent white girl lying on her back with her legs being forced towards her head by an adult white male while that adult vaginally penetrates the prepubescent girl with his penis.

Further, the Government would establish, through introducing the results of the computer forensic search and the testimony of the FBI forensic examiner, that on about September 2, 2012, at approximately 9:33 p.m. local time, while in New Orleans, Louisiana, **CHURCHWELL** downloaded a file entitled, “IMG_1115.jpg,” depicting an unclothed minor white female with dark hair lying on her right side, extending her left leg in the air, and exposing her genitals partially to the camera.

Forensic evidence consisting of medical testimony, law enforcement officers, and supporting documentation would establish that some of the child victims depicted in the images possessed by **CHURCHWELL** were of real, identifiable victims, less than the age of eighteen (18) years old at the time the child pornography was created.

Testimony would establish that some of the child victims depicted in the materials possessed and received by **CHURCHWELL** were of prepubescent children less than eighteen (18) years of age; to wit: less than three (3) years old and that in the images the child victims were engaged in “sexually explicit conduct,” as defined in Title 18, United States Code, Section

2256. These files included pictures of adult males vaginally penetrating minor victims and unclothed minor victims being bound and/or restrained and fully exposing his/her genitalia. All of the images depicting the sexual victimization of minors possessed by the defendant would be introduced through the testimony of Special Agents with the FBI.

Further, the Government would present evidence that would establish that the images of child pornography had been transported in interstate commerce via computer.

Further, the Government would show through testimony and documentary evidence that the equipment used by the defendant to acquire the child pornography was manufactured outside the State of Louisiana and was transported in interstate or foreign commerce.

The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from, Special Agents and forensic examiners from the FBI and other witnesses, documents and electronic devices in the possession of the FBI.

APPROVED AND ACCEPTED:

ROGER BRENT CHURCHWELL	Date
Defendant	

GARY SCHWABE, ESQ.	Date
(Louisiana Bar No. 19780)	
Attorney for Defendant Churchwell	

JORDAN GINSBERG	Date
(Illinois Bar. No. 6282956)	
Assistant United States Attorney	