

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

UNITED STATES OF AMERICA

v.

**KIRK P. WEBER
a/k/a Paul Webber**

* **CRIMINAL NO. 14-038**

* **SECTION: "R"**

* **VIOLATIONS: 18 U.S.C. § 2252(a)(2)**
* **18 U.S.C. § 2252(b)(1)**
* **18 U.S.C. § 2253**

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FACTUAL BASIS

Should this matter proceed to trial, both the government and the defendant, **KIRK P. WEBER, a/k/a Paul Webber ("WEBER")** do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the government would prove the following beyond a reasonable doubt at trial:

The government would present evidence that in October 2013, U.S. Department of Homeland Security, Homeland Security Investigations ("HSI") in New Orleans received complaints that an individual using the name Paul Webber had uploaded images depicting the sexual victimization of children to the Internet via Facebook. The information provided by Facebook revealed that on October 22, 2013, child pornography was uploaded to the Facebook

account “paul.webber.984.” Further information provided revealed that on October 24, 2013, the same file containing child pornography was uploaded to the Facebook account “paul.webber.1000.” Further information revealed that Facebook disabled **WEBER’s** first Facebook account “paul.webber.984” on October 22, 2013, after child pornography was uploaded. Approximately two hours later, **WEBER** opened the Facebook account “paul.webber.1000” and uploaded the same file containing child pornography to the Facebook account. Facebook subsequently disabled the Facebook account “paul.webber.1000” on October 24, 2013. The government would establish that the child pornography file titled “File1.jpg” was uploaded to both Facebook accounts by **WEBER** and that the email addresses kweber9772@gmail.com and kweber9772@yahoo.com were associated with **WEBER’s** Facebook accounts.

Federal search warrants were obtained for **WEBER’s** Facebook accounts, Yahoo email account, and his Gmail account. Information received from these search warrants revealed **WEBER** was actively involved with receiving and downloading images depicting the sexual exploitation of minors. For example, on September 28, 2013, **WEBER** posted a photograph on Facebook of a nude fifteen-year-old boy masturbating and inserting an unknown object into his rectum and **WEBER** wrote “[t]his is [a] boy 15 [and] he have [*sic*] a big dick.” **WEBER** also uploaded images of himself to his Facebook account.

On February 7, 2014, HSI agents executed a federal search warrant at **WEBER’s** Reserve, Louisiana home. During the search, agents recovered two Dell computers and two cellular telephones. After being advised of his *Miranda* rights, **WEBER** admitted to sending child pornography using Facebook. According to **WEBER**, he used his middle name, Paul, and added an additional “b” to his last name to create his Facebook accounts. Weber admitted to

using the email accounts kweber9772@gmail.com and kweber9772@yahoo.com. **WEBER** admitted he posted images of child pornography to his Facebook account “just a couple of times” and that he “did not often send child pornography out to everyone” that he knew. **WEBER** said Facebook closed down one of his Facebook accounts because he was uploading child pornography to his account and that he created another account to replace the closed account. **WEBER** admitted he “definitely” had pornographic images of minors under the age of 18 on his paul.webber Facebook page and **WEBER** said he saved the images to his cellular telephone. **WEBER** also admitted to using his Facebook account and his cell phone to contact males between the ages of fourteen to fifteen. **WEBER** stated he “discovered” he was sexually attracted to boys aged fifteen to sixteen after his divorce which occurred seven to eight years ago.

HSI computer forensic examiners would testify that **WEBER** knowingly distributed sexually explicit images of minors through the use of his Kyocera cellular telephone which **WEBER** uploaded to the Internet through his various Facebook accounts. In addition, HSI computer forensic examiners would testify that **WEBER** knowingly possessed approximately 9 different sexually explicit images of minors on his cellular telephone.

Testimony would establish that some of the images distributed by **WEBER** were of children less than 18 years of age and that the images of the child victims were “sexually explicit” as defined in Title 18, United States Code, Section 2256. All of the images depicting the sexual victimization of minors possessed and distributed by **WEBER** would be introduced through the testimony of HSI agents.

Further, the government would present evidence that would establish that the images of child pornography possessed and distributed by the defendant had been transported in interstate

and foreign commerce via computer or had been produced using materials that had been mailed, shipped, or transported in and affecting interstate and foreign commerce.

Various records and testimonial evidence, including testimony from representatives of HSI, as well as other witnesses would also be called to prove the facts set forth above.

KIRK P. WEBER
Defendant

DATE

GEORGE CHANEY, JR.
Counsel for Defendant

DATE

BRIAN M. KLEBBA
Assistant United States Attorney

DATE