

JUN 22 2010
(Signature)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW NICHOLS,

Defendant.

CRIMINAL NO. 10cr 1871

Counts 1 and 2: 18 U.S.C. §§ 2252(a)(2), 2252(b)(1), and 2256: Distribution and Attempted Distribution of Visual Depictions of Minors Engaged in Sexually Explicit Conduct;

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

Counts 4 through 6: 18 U.S.C. §§ 2252(a)(4)(B), 2252(b)(2), and 2256: Possession of a Matter Containing Visual Depictions of Minors Engaged in Sexually Explicit Conduct.

INDICTMENT

The Grand Jury charges:

Counts 1 and 2

On or about the dates set forth below, in Los Alamos County, in the District of New Mexico, the defendant, **MATTHEW NICHOLS**, having been previously convicted of Corruption of Minors, a felony in violation of the Commonwealth of Pennsylvania Consolidated Statutes, 18 Pa.C.S.A. § 6301; and of Criminal Solicitation (to commit Involuntary Deviate Sexual Intercourse), a felony in violation of the Commonwealth of Pennsylvania Consolidated Statutes, 18 Pa.C.S.A. § 902, in Dauphin County, the

Commonwealth of Pennsylvania, Cause No. 500 Cr. Div. 1980, did knowingly distribute and attempt to distribute a visual depiction contained in the computer files described below, which visual depiction had been mailed and shipped and transported in interstate and foreign commerce, and which contained materials which had been so mailed and shipped and transported by any means in 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:

<u>COUNT</u>	<u>FILENAME</u>	<u>DATE</u>
1	- 3 kid play.jpg	October 5, 2008
2	_bol039.jpg	January 5, 2009

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

Count 3

On or about the dates set forth below, in Los Alamos County, in the District of New Mexico, the defendant, **MATTHEW NICHOLS**, having been previously convicted of Corruption of Minors, a felony in violation of the Commonwealth of Pennsylvania Consolidated Statutes, 18 Pa.C.S.A. § 6301; and of Criminal Solicitation (to commit Involuntary Deviate Sexual Intercourse), a felony in violation of the Commonwealth of Pennsylvania Consolidated Statutes, 18 Pa.C.S.A. § 902, in Dauphin County, the Commonwealth of Pennsylvania, Cause No. 500 Cr. Div. 1980, did knowingly receive a visual depiction contained in the computer files described below, which visual depiction had been mailed and shipped and transported in interstate and foreign commerce, and which contained materials which had been so mailed and shipped and transported by any means in 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:

<u>COUNT</u>	<u>FILENAME</u>	<u>DATE</u>
3	100001.jpg	January 22, 2009

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

Count 4

On or about December 29, 2009, in Los Alamos County, in the District of New Mexico, the defendant, **MATTHEW NICHOLS**, having been previously convicted of Corruption of Minors, a felony in violation of the Commonwealth of Pennsylvania Consolidated Statutes, 18 Pa.C.S.A. § 6301; and of Criminal Solicitation (to commit Involuntary Deviate Sexual Intercourse), a felony in violation of the Commonwealth of Pennsylvania Consolidated Statutes, 18 Pa.C.S.A. § 902, in Dauphin County, the Commonwealth of Pennsylvania, Cause No. 500 Cr. Div. 1980, did knowingly possess a Hewlett Packard Pavilion DV9000 Laptop, Serial Number CNF7034FMF with internal Fujitsu MHV212OBH Hard Drive, Serial Number NW9XT6C31B3U containing any visual depiction that had been shipped and transported in interstate and foreign commerce and which was produced using materials which had been so shipped and transported interstate and foreign commerce, by any means, 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 December 29, 2009, in Los Alamos County, in the District of New Mexico, the defendant, **MATTHEW NICHOLS**, having been previously convicted of Corruption of Minors, a felony in violation of the Commonwealth of Pennsylvania Consolidated Statutes, 18 Pa.C.S.A. § 6301; and of Criminal Solicitation (to commit Involuntary Deviate Sexual Intercourse), a felony in violation of the Commonwealth of Pennsylvania Consolidated Statutes, 18 Pa.C.S.A. § 902, in Dauphin County, the Commonwealth of Pennsylvania, Cause No. 500 Cr. Div. 1980, did knowingly possess a Beon L1700, L1800 Desktop, Serial Number ****611001793, with internal Samsung SV1533D Hard Drive, Serial Number 0230J1DN401486 containing any visual depiction that had been shipped and transported in interstate and foreign commerce and which was produced using materials which had been so 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 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 6

On or about December 29, 2009, in Los Alamos County, in the District of New Mexico, the defendant, **MATTHEW NICHOLS**, having been previously convicted of Corruption of Minors, a felony in violation of the Commonwealth of Pennsylvania Consolidated Statutes, 18 Pa.C.S.A. § 6301; and of Criminal Solicitation (to commit Involuntary Deviate Sexual Intercourse), a felony in violation of the Commonwealth of Pennsylvania Consolidated Statutes, 18 Pa.C.S.A. § 902, in Dauphin County, the

Commonwealth of Pennsylvania, Cause No. 500 Cr. Div. 1980, did knowingly possess a Verbatim CD titled "matt's programs & files 86" containing any visual depiction that had been shipped and transported in interstate and foreign commerce and which was produced using materials which had been so 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 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, Defendant **MATTHEW NICHOLS** shall forfeit to the United States pursuant to 18 U.S.C. §§ 2252 and 2253,

- (A). Hewlett Packard Pavilion DV9000 Laptop, Serial Number CNF7034FMF with internal Fujitsu MHV2120BH Hard Drive, Serial Number NW9XT6C31B3U;
- (B). Western Digital WD5000AAKB 500 GB External Hard Drive, Serial Number WCAPW3235482;
- (C). Western Digital WD5000MLB 500 GB External Hard Drive, Serial Number WX50A6984434;
- (D). Western Digital WD800UE 80 GB External Hard Drive, Serial Number WXE506679948;
- (E). Maxtor 7213AT 212 MB Hard Drive;
- (F). Dell Dimension 9150 Desktop Computer, Serial Number JKV9P91, with internal Western Digital WD1600GS Hard Drive, Serial Number WMANM2490341;
- (G). Beon L1700, L1800 Desktop, Serial Number ****611001793, with internal Samsung SV1533D Hard Drive, Serial Number 0230J1DN401486;
- (H). 8GB San Disk Cruzer Micro Flash Drive;

- (I). Verbatim CD titled "pictures & files 89 7/19/04";
- (J). Verbatim CD titled "CDRW photos 4 90";
- (K). Fujifilm CDR titled "Photo cd-2 91";
- (L). Memorex CD titled "not the last first disk";
- (M). Imation CD titled "tools 85 web page & pics";
- (N). Verbatim CD titled "systems I 82";
- (O). Verbatim CD titled "matt's programs & files 86";
- (P). Memorex CDRW titled "system 3";
- (Q). Verbatim CD titled "Photo cd3 camp pics 87";
- (R). Maxwell CDR titled "photo cd_1 file-1 88"; and
- (S). Dell Dimension 2350 Desktop Computer, Serial Number 10KD421, with internal Western Digital WD600 Hard Drive, Serial Number WMA8F1781233.

A TRUE BILL:

IS/
FOREPERSON OF THE GRAND JURY

Assistant United States Attorney

06/22/10 8:44am