

**FILED**  
At Albuquerque NM

OCT 27 2010

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**MATTHEW J. DYKMAN**  
**CLERK**

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 **WAYNE SHIRLEY,** )  
 )  
 Defendant. )

CRIMINAL NO. 10-2960BB  
  
Count 1: 18 U.S.C. §§ 2252(a)(2) and (b)(1), and 2256: Distribution and Attempted Distribution of Visual Depictions of Minors Engaged in Sexually Explicit Conduct;  
  
Counts 2 and 3: 18 U.S.C. §§ 2252(a)(2) and (b)(1), and 2256: Receipt of Visual Depictions of Minors Engaged in Sexually Explicit Conduct;  
  
Counts 4, 5, and 6: 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2), and 2256: Possession of Matter Containing Visual Depictions of Minors Engaged in Sexually Explicit Conduct.

INDICTMENT

The Grand Jury charges:

Count 1

On or about the dates set forth below, in Bernalillo County, in the District of New Mexico, the defendant, **WAYNE SHIRLEY**, did knowingly distribute and attempt to distribute a visual depiction contained in the computer file described below, which visual depiction had been mailed and shipped and transported in or 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 engaging

in sexually explicit conduct and is of such conduct:

<u>COUNT</u>	<u>FILENAME</u>	<u>DATE</u>
1	Vicky String Bikini Pthc 11Yo Pedofilia.mpg	July 26, 2010

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

Counts 2 and 3

On or about the dates set forth below, in Bernalillo County, in the District of New Mexico, the defendant, **WAYNE SHIRLEY**, did knowingly receive a visual depiction contained in the computer files described below, which visual depiction had been mailed and shipped and transported in or 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 engaging in sexually explicit conduct and is of such conduct:

<u>COUNT</u>	<u>FILENAME</u>	<u>DATE</u>
2	Pthc - Reel Kiddie mother and 2 daughter 9yo + 14yo threesome - Tvg 13 r ygold hussyfan ptch fetish girl 10 naked, rope.mpg	May 30, 2010
3	Newer New Pedo Ptsc Preteen 9Yo Tori Lsm, Bd-Company, Lso, Ls Island, Kdquality, Hussyfan, Kiddy 0016(1.jpg	April 22, 2010

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

Count 4

On or about September 22, 2010, in Bernalillo County, in the District of New Mexico, the defendant, **WAYNE SHIRLEY**, did knowingly possess Dell Inspiron Laptop, Model # PP22L, Parts Number NW554A00, with an internal Seagate Momentus 7200.3 Hard Drive, 320 GB, Serial Number 5TJ0ACRR (*Evidence #QAQ\_3*), containing visual depictions that had been shipped and transported in or affecting interstate and foreign commerce and which were produced using materials which had been shipped and transported in interstate and foreign commerce, by any means, including by computer, the production of which visual depictions 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) and (b)(2), and 2256.

Count 5

On or about September 22, 2010, in Bernalillo County, in the District of New Mexico, the defendant, **WAYNE SHIRLEY**, did knowingly possess a Acer Aspire One D150-1322 Computer, Serial Number LUS570B156916151021601, with an internal Hitachi Hard Drive, Serial Number VCEKV6MA (*Evidence # QAQ\_4*), containing visual depictions that had been shipped and transported in or affecting interstate and foreign commerce and which were produced using materials which had been shipped and transported in interstate and foreign commerce, by any means, including by computer, the production of which visual depictions 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) and (b)(2), and 2256.

Count 6

On or about September 22, 2010, in Bernalillo County, in the District of New Mexico, the defendant, **WAYNE SHIRLEY**, did knowingly possess a Western Digital Hard Drive Model WD1200VE, Serial Number WXE706884177 (*Evidence #QAQ\_7*), containing visual depictions that had been shipped and transported in or affecting interstate and foreign commerce and which were produced using materials which had been shipped and transported in interstate and foreign commerce, by any means, including by computer, the production of which visual depictions 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) and (b)(2), and 2256.

FORFEITURE ALLEGATIONS

Upon conviction of any offense alleged in this Indictment, Defendant **WAYNE SHIRLEY** shall forfeit to the United States pursuant to 18 U.S.C. §§ 2252 and 2253:

- A). Dell Inspiron Laptop, Model # PP22L, Parts Number NW554A00, with an internal Seagate Momentus 7200.3 Hard Drive, 320 GB, Serial Number 5TJ0ACRR (*Evidence #QAQ\_3*);
- B). Acer Aspire One D150-1322 Computer, Serial Number LUS570B156916151021601, with an internal Hitachi Hard Drive, Serial Number VCEKV6MA (*Evidence # QAQ\_4*); and
- C). Western Digital Hard Drive Model WD1200VE, Serial Number WXE706884177 (*Evidence #QAQ\_7*).

A TRUE BILL:

/s/  
FOREPERSON OF THE GRAND JURY

  
Assistant United States Attorney

JT 10/22/10 2:05pm