

For Immediate Release
September 26, 2011

**FORMER STATE OFFICIAL SENTENCED TO 5 YEARS IN PRISON
FOR FEDERAL CHILD PORNOGRAPHY CONVICTION**

ALBUQUERQUE -- This morning in Santa Fe, a United States District Judge sentenced **Wayne Shirley**, 59, to a 60-month term of imprisonment to be followed by five years of supervised release for his conviction on a child pornography offense. Shirley will be required to register as a sex offender when he completes his prison sentence. The Judge also ordered Shirley to pay a fine in the amount of \$7,500 as well as \$500 in restitution to "Vicky," the child victim who was sexually abused and violated in the pornographic video involved in Shirley's offense of conviction. Shirley was ordered to report to a federal correctional facility to be designated by the U.S. Bureau of Prisons within 60 days to begin serving his prison sentence.

Shirley, an attorney from Cedar Crest, New Mexico, who served as the chairman of the New Mexico Public Utilities Commission under Governor Gary Johnson, was arrested on September 28, 2010 on a criminal complaint filed as part of Operation Predator. Operation Predator was an investigative effort by state and local law enforcement affiliates of the New Mexico Internet Crimes Against Children (ICAC) Task Force aimed at identifying individuals throughout New Mexico involved in the distribution, receipt, and possession of child pornography through peer-to-peer file sharing programs. Twenty-two search warrants were executed and eight defendants were arrested in late September 2010 as a result of Operation Predator.

On October 27, 2010, a federal grand jury returned a six-count indictment charging Shirley with one count of distribution and attempted distribution of child pornography; two counts of receipt of child pornography; and three counts of possession of child pornography. On

February 3, 2011, Shirley entered a guilty plea to count 2 of the indictment, charging him with receipt of child pornography.

According to court filings, on September 22, 2010, investigators with the ICAC Task Force executed a search warrant at Shirley's residence and seized his computers and computer-related media. Shirley voluntarily submitted to a tape-recorded interview with ICAC Task Force investigators during which he admitted to downloading images and videos of child pornography by using peer-to-peer file-sharing programs for the past two to three years. Shirley subsequently participated in a second recorded interview which was conducted at his request. During that second interview, Shirley admitted that he possessed child pornography images and videos for the past five years and that he saved those images in his computer. At the time of his recorded interview and again in his plea agreement, Shirley admitted knowing that it was illegal to receive and possess child pornography.

In his plea agreement, Shirley acknowledged that a forensic examination of his computers and computer-related media uncovered 80 image files and 90 video files of child pornography. Shirley's plea agreement graphically describes the five-segment video of child pornography at issue in count 2, the crime to which Shirley entered a guilty plea and which involves a child, "Vicky," who has been identified and rescued since the video was produced. Shirley also acknowledged that the National Center for Missing and Exploited Children determined that the child pornography images found on his computers and computer-related media included 51 images of 6 children who have been identified as child pornography victims and have been rescued, and 19 videos of 18 children who have been identified as child pornography victims and have been rescued.

United States Attorney Kenneth J. Gonzales said that the case against Shirley was

prosecuted by Assistant United States Attorney Charlyn E. Rees and was investigated by the New Mexico State Police, U.S. Homeland Security Investigations, and other agencies that participate in the ICAC Task Force. The law enforcement agencies that participated in Operation Predator include: Albuquerque Police Department, Farmington Police Department, Federal Bureau of Investigation, Immigration and Customs Enforcement, Las Cruces Police Department, New Mexico Attorney General's Office, New Mexico State Police, Rio Rancho Police Department, Santa Fe Police Department, the United States Marshal's Office in Las Cruces, the First Judicial District Attorney's Office, the Fifth Judicial District Attorney's Office, and the Eighth Judicial District Attorney's Office.

Operation Predator was brought as part of Project Safe Childhood, a nationwide initiative launched in May 2006 by the Department of Justice (DOJ) to combat the growing epidemic of child sexual exploitation and abuse. Led by United States Attorneys' Offices and DOJ's Criminal Division's Child Exploitation and Obscenity Section, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend and prosecute individuals who exploit children via the Internet, as well as to identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov.

Operation Predator also was brought as part of the New Mexico ICAC Task Force whose mission it is to locate, track, and capture Internet child sexual predators and Internet child pornographers in New Mexico. There are 61 federal, state and local law enforcement agencies associated with Task Force, which is funded by a grant administered by the New Mexico Attorney General's Office. Anyone with information relating to suspected child predators and suspected child abuse is encouraged to contact federal or local law enforcement.

###

11-400