

Department of Justice

Acting United States Attorney Kathleen Mehlretter
Western District of New York

FOR IMMEDIATE RELEASE
JUNE 25, 2009
www.usdoj.gov/usao/nyw

CONTACT: Peggy Kelly McFarland
PHONE: (716) 843-5877
FAX: (716) 551-3051

ROCHESTER MAN CHARGED WITH PRODUCTION OF CHILD PORNOGRAPHY AND ONLINE ENTICEMENT OF A MINOR

ROCHESTER, N. Y.--Kathleen M. Mehlretter, Acting U.S. Attorney for the Western District of New York, announced today that **FRANKLIN A. DeCAPUA**, 34, of Rochester was arrested and charged with two counts of production of child pornography and one count of online enticement of a minor. The production of child pornography charges are punishable by a mandatory minimum sentence of 25 years imprisonment and a maximum sentence of 50 years imprisonment, while the online enticement charge is punishable by a mandatory minimum sentence of 10 years in prison and a maximum sentence of life in prison. Each count is also punishable by a fine of up to \$250,000.

Assistant U.S. Attorney Craig R. Gestring, who will handle the case, stated that the defendant, a registered sex offender in New York, is alleged to have engaged in sexually explicit online chats with a 12 year old girl in Nebraska using the internet and his iPhone. In the course of those chats and conversations, he is alleged to have persuaded the girl to take sexually explicit photographs of herself, which she sent to him via the internet. He also tried to get her 12 year old friend to take sexually explicit photographs of herself as well. In the course of the chats with the first child, he is alleged to have discussed traveling to Nebraska to have sex with her.

This case was brought as part of Project Safe Childhood, a nationwide initiative to combat the growing epidemic of child sexual exploitation and abuse launched in May 2006 by the Department of Justice. Led by United States Attorneys' Offices and the Criminal Division's Child Exploitation and Obscenity Section (CEOS), 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.

The arrest was the culmination of an investigation on the part of the United States Department of Homeland Security, Bureau of Immigrations and Customs Enforcement, New York State Police, and the Nebraska State Patrol.

The fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty.