

# Department of Justice

Acting United States Attorney Kathleen Mehlretter  
Western District of New York

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AUGUST 5, 2009  
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## **MAN IS SENTENCED TO 15 MONTHS FOR POSSESSING CHILD PORNOGRAPHY**

ROCHESTER, N.Y.-- Kevin William Tice, 46, of Manchester, New York, who, in April, had pleaded guilty to a felony charge of knowing possession of child pornography, was sentenced by United States District Judge David. G. Larimer, Acting U.S. Attorney Kathleen M. Mehlretter of the Western District of New York announced today.

Assistant U.S. Attorney Tiffany H. Lee, who handled the case, stated that in April 2008, agents from Immigration and Customs Enforcement had interviewed the defendant pertaining to information they had received that the defendant had subscribed to a website that distributed child pornography images. The defendant gave consent for the agents to search his computer and the agents found still images and a movie depicting prepubescent minors engaging in sexually explicit conduct. In their plea agreement, both parties agreed that the Sentencing Guidelines provided for a term of imprisonment of 37 to 46 months. Those Guidelines were established by the U.S. Sentencing Commission, which was created by the Sentencing Reform Act provisions of the Comprehensive Crime Control Act of 1984. According to the Sentencing Commissions website, "[t]he sentencing guidelines established by the Commission are designed: (1) to incorporate the purposes of sentencing (i.e., just punishment, deterrence, incapacitation, and rehabilitation); (2) to provide certainty and fairness in meeting the purposes of sentencing by avoiding unwarranted disparity among offenders with similar characteristics convicted of similar criminal conduct, while permitting sufficient judicial flexibility to take into account relevant aggravating and mitigating factors; and (3) to reflect, to the extent practicable, advancement in the knowledge of human behavior as it relates to the criminal justice process." In sentencing the defendant, Judge Larimer agreed the guideline range as set forth in the plea agreement was the advisory range but then rejected the Guideline range and imposed a sentence of 15 months imprisonment. Judge Larimer also imposed a fine of \$500 and 10 years of supervised release.

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](http://www.projectsafechildhood.gov).

The sentence was the culmination of an investigation on the part of Special Agents of the Immigration and Customs Enforcement under the direction of Lev Kubiak.