

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
JAMES BONINI
CLERK

2009 MAY 26 PM 3:00

UNITED STATES OF AMERICA

:

CASE NO.

3:09-cr-00068
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIV DAYTON

v.

:

THOMAS M. ROSE

MARC N. GREENBERG

:

INDICTMENT
18 U.S.C. § 1470

:

FORFEITURE

THE GRAND JURY CHARGES THAT:

COUNT 1

On or about February 19, 2009, in the Southern District of Ohio, the defendant **MARC N. GREENBERG**, did knowingly use the Internet, a facility of interstate commerce, to knowingly attempt to transfer obscene matter, to another individual who had not attained the age of 16 years, knowing that such other individual had not attained the age of 16 years, that is, an undercover agent whom he believed to be a 13 year old girl, by streaming video from his web camera, which depicted an adult male exposing his erect penis while masturbating to ejaculation.

All of which is in violation of Title 18 U.S.C. §1470.

COUNT 2

On or about February 19, 2009, in the Southern District of Ohio, the defendant **MARC N. GREENBERG**, did knowingly use the Internet, a facility of interstate commerce, to knowingly attempt to transfer obscene matter, to another individual who had not attained the age of 16 years, knowing that such other individual had not attained the age of 16 years, that is, an undercover agent whom he believed to be a 12 year old girl, by streaming video from his web camera, which

depicted an adult male exposing his erect penis while masturbating.

All of which is in violation of Title 18 U.S.C. §1470.

COUNT 3

On or about February 23, 2009, in the Southern District of Ohio, the defendant **MARC N. GREENBERG**, did knowingly use the Internet, a facility of interstate commerce, to knowingly attempt to transfer obscene matter, to another individual who had not attained the age of 16 years, knowing that such other individual had not attained the age of 16 years, by transmitting to an undercover agent, whom he believed was a 13 year old girl, a digital image file "IMGA0016.jpg", which depicted an adult male exposing his erect penis.

All of which is in violation of Title 18 U.S.C. §1470.

COUNT 4

On or about March 11, 2009, in the Southern District of Ohio, the defendant **MARC N. GREENBERG**, did knowingly use the Internet, a facility of interstate commerce, to knowingly attempt to transfer obscene matter, to another individual who had not attained the age of 16 years, knowing that such other individual had not attained the age of 16 years, that is, an undercover agent whom he believed to be a 12 year old girl, by streaming video from his web camera, which depicted an adult male exposing his erect penis while masturbating.

All of which is in violation of Title 18 U.S.C. §1470.

COUNT 5

On or about March 11, 2009, in the Southern District of Ohio, the defendant **MARC N. GREENBERG**, did knowingly use the Internet, a facility of interstate commerce, to knowingly attempt to transfer obscene matter, to another individual who had not attained the age of 16 years, knowing that such other individual had not attained the age of 16 years, by transmitting to an

undercover agent, whom he believed was a 12 year old girl, a digital image file "IMGA0035.jpg", which depicted an adult male exposing his erect penis.

All of which is in violation of Title 18 U.S.C. §1470.

COUNT 6

On or about March 12, 2009, in the Southern District of Ohio, the defendant **MARC N. GREENBERG**, did knowingly use the Internet, a facility of interstate commerce, to knowingly attempt to transfer obscene matter, to another individual who had not attained the age of 16 years, knowing that such other individual had not attained the age of 16 years, that is, an undercover agent whom he believed to be a 12 year old girl, by streaming video from his web camera, which depicted an adult male exposing his erect penis while masturbating to ejaculation.

All of which is in violation of Title 18 U.S.C. §1470.

COUNT 7

On or about March 13, 2009, in the Southern District of Ohio, the defendant **MARC N. GREENBERG**, did knowingly use the Internet, a facility of interstate commerce, to knowingly attempt to transfer obscene matter, to another individual who had not attained the age of 16 years, knowing that such other individual had not attained the age of 16 years, that is, an undercover agent whom he believed to be a 13 year old girl, by streaming video from his web camera, which depicted an adult male exposing his erect penis.

All of which is in violation of Title 18 U.S.C. §1470.

COUNT 8

On or about March 20, 2009, in the Southern District of Ohio, the defendant **MARC N. GREENBERG**, did knowingly use the Internet, a facility of interstate commerce, to knowingly attempt to transfer obscene matter, to another individual who had not attained the age of 16 years,

knowing that such other individual had not attained the age of 16 years, by transmitting to an undercover agent, whom he believed was a 12 year old girl, a digital image file "IMGA0029.jpg", which depicted an adult male exposing his erect penis.

All of which is in violation of Title 18 U.S.C. §1470.

COUNT 9

On or about April 3, 2009, in the Southern District of Ohio, the defendant **MARC N. GREENBERG**, did knowingly use the Internet, a facility of interstate commerce, to knowingly attempt to transfer obscene matter, to another individual who had not attained the age of 16 years, knowing that such other individual had not attained the age of 16 years, that is, an undercover agent whom he believed to be a 12 year old girl, by streaming video from his web camera, which depicted an adult male exposing his erect penis while masturbating to ejaculation.

All of which is in violation of Title 18 U.S.C. §1470.

COUNT 10

On or about April 20, 2009, in the Southern District of Ohio, the defendant **MARC N. GREENBERG**, did knowingly use the Internet, a facility of interstate commerce, to knowingly attempt to transfer obscene matter, to another individual who had not attained the age of 16 years, knowing that such other individual had not attained the age of 16 years, that is, an undercover agent whom he believed to be a 13 year old girl, by streaming video from his web camera, which depicted an adult male exposing his erect penis while masturbating.

All of which is in violation of Title 18 U.S.C. §1470.

COUNT 11

On or about April 21, 2009, in the Southern District of Ohio, the defendant **MARC N. GREENBERG**, did knowingly use the Internet, a facility of interstate commerce, to knowingly

attempt to transfer obscene matter, to another individual who had not attained the age of 16 years, knowing that such other individual had not attained the age of 16 years, that is, an undercover agent whom he believed to be a 12 year old girl, by streaming video from his web camera, which depicted an adult male exposing his erect penis while masturbating.

All of which is in violation of Title 18 U.S.C. §1470.

COUNT 12

On or about April 29, 2009, in the Southern District of Ohio, the defendant **MARC N. GREENBERG**, did knowingly use the Internet, a facility of interstate commerce, to knowingly attempt to transfer obscene matter, to another individual who had not attained the age of 16 years, knowing that such other individual had not attained the age of 16 years, that is, an undercover agent whom he believed to be a 13 year old girl, by streaming video from his web camera, which depicted an adult male exposing his erect penis while masturbating.

All of which is in violation of Title 18 U.S.C. §1470.

Forfeiture Allegation

Upon conviction of Counts One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and/or Twelve (12) of this Indictment, defendant **MARC N. GREENBERG** shall forfeit to the United States pursuant to 18 U.S.C. § 1467(a)(3), any property, real or personal, used or intended to be used to commit or promote the commission of such offense, including but not limited to the following specific items which were found in the possession of **MARC N. GREENBERG**:

ONE HP LAPTOP, S/N 2CE840795M, WITH POWER CORD
ONE HP CPU S/N US04759854
ONE GATEWAY CPU, S/N 0029298031
ONE IPOD NANO, S/N 5U84BFU33R0
APPROX 143 VHS TAPES

APPROX 72 DV TAPES
APPROX 45 VHC TAPES
APPROX 59 CD-ROM DISKS
APPROX 14 VHS-C TAPES
APPROX 8 FLOPPY (3.5) DISKS
APPROX 1 DVD DISK
ONE OLYMPUS XD 64MB MEMORY CARD
ONE GIGAWARE WEBCAM, BLACK IN COLOR
ONE PANASONIC VIDEO CAMERA, MODEL PV-GS29, S/N J6IA19995 IN BLUE
BAG W/POWER CABLES
ONE PANASONIC VIDEO CAMERA MODEL SDR-H40, S/N G8IA12389 W/POWER
CABLES
ONE CASSETTE TAPE

A True Bill

131
FOREPERSON

GREGORY G. LOCKHART
UNITED STATES ATTORNEY



VIPAL PATEL,
Deputy Criminal Chief