UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,	:	Case No. 3:08CR39(TMR)
Plaintiff,	:	**PLEA AGREEMENT**
vs.	:	
ROBERT REINHOLD,	:	
Defendant.	:	

This constitutes the binding plea agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure between the defendant, **ROBERT REINHOLD** ("Defendant"), individually and through his attorney, James Fleisher, Esq., and the United States Attorney's Office for the Southern District of Ohio ("USAO"), through the undersigned Assistant United States Attorney, (collectively, "the parties"). The parties hereby agree as follows:

PLEA

1. Defendant agrees to plead guilty to the one-count Information filed in this action, charging him with violating 18 U.S.C. § 2252 (a)(2) (Receipt of Sexual Exploitation Material of Minors in Interstate Commerce). Recognizing that he has the right to be prosecuted by way of an Indictment, Defendant waives that right and consents to be prosecuted by way of an Information. Defendant understands the nature of the charge to which he is pleading guilty, and admits that he is, in fact, guilty of the offense charged in the Information, and that the Statement of Facts, which is attached hereto as Exhibit A and incorporated herein by this reference, is true and correct.

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2. Defendant understands that he has the following rights:

- to plead not guilty, or having already so pleaded, to persist in that plea;
- to a jury trial;
- to be represented by counsel—and if necessary have the court appoint counsel—at trial and at every other stage of the proceeding;
- at trial, to confront and cross-examine adverse witnesses, to be protected from compelled self-incrimination, to testify and present evidence, and to compel the attendance of witnesses.

Defendant further understands that if the court accepts his plea pursuant to this plea agreement, there will be no trial and he waives these trial rights.

STATUTORY PENALTIES, RESTITUTION AND SENTENCING

3. The statutory maximum sentence that the Court can impose for a violation of 18 U.S.C. § 2252 (a)(2) is: at least 5 years and up to 20 years imprisonment; at least 5 years and up to a lifetime period of supervised release; a fine of up to $250,000; and a mandatory special assessment of $100.

4. Defendant understands, agrees, and acknowledges that under the Sex Offender Registration and Notification Act, a federal law, he must register and keep the registration current in each of the following jurisdictions: where he resides; where he is an employee; and where he is a student. Defendant understand that the requirements for registration include providing his name, his residence address, and the names and addresses of any places where he is or will be an employee or a student, among other information. Defendant further understands that the requirement to keep the registration current includes informing at least one jurisdiction in which

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he resides, is an employee, or is a student not later than three business days after any change of his name, residence, employment or student status. Defendant has been advised and understands that failure to comply with these obligations subjects him to prosecution for failure to register under federal law, 18 U.S.C. § 2250, which is punishable by a fine or imprisonment, or both.

5. Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, Defendant and the USAO agree that an appropriate disposition of this case is that the Court impose a sentence of (1) sixty (60) months imprisonment, (2) a $100 mandatory special assessment, (3) a fine of $0 up to $250,000, (4) no restitution, (5) at least 5 years up to a lifetime of supervised release, and (6) forfeiture as set forth below. Defendant understands that the Court may order the U.S. Probation Office ("Probation Office") to conduct a pre-sentence investigation and prepare a pre-sentence report ("PSR"). Defendant understands that the Court may accept this plea agreement, reject it, or defer a decision until the Court has reviewed the PSR. Defendant further understands that if the Court accepts this plea agreement, a disposition of (1) a sixty (60) month term of imprisonment, (2) $100 in a mandatory special assessment, (4) a fine of $0 up to $250,000, (4) no restitution, (5) at least 5 years up to a lifetime of supervised release, and (6) forfeiture as set forth below, will be included in the judgment of conviction. The parties agree, and Defendant further understands, that if the Court rejects this plea agreement, the Court is not required to follow this plea agreement, and Defendant will have an opportunity to withdraw his guilty plea. Defendant further understands that if the Court rejects this plea agreement, and if Defendant's guilty plea in this case is not withdrawn, the Court may dispose of this case less favorably toward Defendant than this plea agreement contemplates. Defendant understands and agrees that if the Court accepts this plea agreement, he will receive a sentence of (1) sixty (60)

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months, imprisonment, (2) $100 in a mandatory special assessment, (4) a fine of $0 up to $250,000, (4) no restitution, (5) at least 5 years up to a lifetime of supervised release, and (6) forfeiture as set forth below.

DEFENDANT'S ADDITIONAL OBLIGATIONS

6. Defendant agrees that:

a) He is not a prevailing party as defined by the Hyde Amendment, Public Law 105-119, Title VI, Nov. 26, 1997 (set forth as a statutory note under 18 U.S.C. § 3006A) and hereby expressly waives filing any suit or asserting any claim against the United States, including its agents and employees, under this or any other provision;

b) At or prior to the time he enters his plea of guilty pursuant to this plea agreement, he will surrender to the Immigration Customs and Enforcement Administration all visual depictions, in any format, he has of minors engaged in sexually explicit conduct. This includes, but is not limited to, any and all computers, media, storage material, videos, video tapes, DVDs, CDs, photos, JPEG files, MPEG files, GIF files, AVI files, printouts, and any other matters or material constituting or containing images of minors engaged in sexually explicit conduct. Defendant forever abandons any interest or claim in any and all such matters and material;

c) He will be truthful at all times with Pretrial Services, the U.S. Probation Office, and the Court;

d) He will pay the applicable $100 special assessment at or before the time of sentencing;

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e) He will not move to withdraw his guilty plea entered pursuant to this Plea Agreement or otherwise seek to have it set aside, except as may be permitted pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure;

FORFEITURE

7. Defendant hereby agrees to the entry of an Order of Forfeiture to the United States, pursuant to 18 U.S.C. § 2253(a), of all visual depictions which were produced, transported, mailed, shipped or received in violation of the law; all property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and any/or all property, real or personal used or intended to be used to commit or promote the commission of such offense, including, but not limited to:

1. Zeos personal laptop Serial No. 18282177879;
2. 4 VHS tapes;
3. 101 floppy discs and 1 zip disc;
4. 8 floppy discs;
5. 11 miscellaneous floppy discs;
6. 10 1 gig Kingston SD Memory stick;
7. USB jump drive;
8. USB reader/writer;
9. 38 miscellaneous CD/DVDs;
10. 2 zip discs and 1 floppy disc;
11. 22 CD-Rs;
12. 35 miscellaneous zip disks
13. case with 19 CD-Rs and 14 zip disks;
14. HP Deskjet 6840; Serial No. MY58A4R07S;
15. Dell Dimension 4600C, Serial No. 135SL41;
16. Seagate external hard drive;
17. Dell Laptop computer, Serial No. Y193N;
18. 1 zip drive, Serial No. 1GJR15821A;
19. Wireless card, Serial No. BDH61FA28015;
20. 1 scandisk flash card;
21. 91 miscellaneous CD rom disks with 6 miscellaneous floppy disks.

Defendant acknowledges that the above property belonged solely to him. Defendant waives any and all challenges to the forfeiture of the above property, including but not limited to: waiving any deadlines the United States may have been required to meet in filing any forfeiture action; waiving the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument; announcement of the forfeiture at sentencing and incorporation of the forfeiture in the judgment; and waiving all constitutional and statutory challenges. Defendant understands that the forfeiture of assets is part of the sentence that may be imposed in this case and waives any failure by the court to advise him of this, pursuant to Rule 11 (b)(1)(J), at the time his guilty plea is accepted.

Further, Defendant acknowledges that he has received a copy of the civil complaint in United States v. 2890 Hickorywood Drive, Troy, Ohio, United States District Court, Southern District of Ohio, Case No.: 3:07CV415 ("Civil Action"). Defendant and his wife have entered into an agreed order with the United States in which they agree to forfeit to the United States of America in the Civil Action the amount of $137,500.00, in lieu of his one-half interest in the real property which is the subject of the Civil Action.

The following property seized from the defendant's residence has not been determined to have been used or intended to be used to commit or promote the commission of the defendant's offense as charged in the Information and shall be returned to Amy Reinhold within 30 days of the entry of defendant's guilty plea pursuant to this Plea Agreement:

1. Verizon Treo Palm, Serial No. PYVC07H6H03E
2. Epson P3000 Multimedia storage viewer Serial No. JS3Z011220;
3. Olympus Camedia c/5060, Serial No. 284702886;
4. Epson Stylus Photo R300 Serial No. FK9K160392;

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5. Epson Stylus Photo R2400, Serial No. GMS6048031;

6. HP Laptop computer, Serial No. CNF7277DZ4

7. Nikon D200 Camera, Serial No. 2088166;

8. Sony Handycam video camera Serial No. 364178

9. Sony Handycam video recorder Serial No. 41698;

10. Samsung Serial No. B1BW300649L;

11. 6 flash drives.

THE USAO'S OBLIGATIONS

8. If Defendant complies fully with all of his obligations under this Plea Agreement, the USAO agrees not to further prosecute Defendant for criminal offenses, including, but not limited to violations of 18 U.S.C. §§ 2252(a)(2) and (a)(4), based on Defendant's conduct described in the Statement of Facts attached hereto as Exhibit A. Defendant understands that the USAO is free to prosecute Defendant for any other unlawful past conduct or any unlawful conduct that occurs after the date of the filing of this Plea Agreement. Defendant understands and acknowledges that at the time of sentencing the Court may consider any uncharged conduct in determining where Defendant's sentence should fall within any stipulated sentencing range.

WAIVER OF APPEAL AND COLLATERAL ATTACK

9. Defendant waives and gives up, to the extent permitted by law, his right to challenge the judgment of conviction, sentence, and the manner in which the sentence is determined, provided that it is within the sentencing range stipulated to herein, whether by direct appeal or collaterally. This waiver includes, but is not limited to, a waiver of defendant's rights pursuant to 18 U.S.C. § 3742 to appeal his sentence. This waiver does not include challenges based on ineffective assistance of counsel and/or prosecutorial misconduct.

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NO OTHER AGREEMENTS

10. Except as set forth herein, there are no promises, understandings or agreements between the USAO and Defendant or Defendant's counsel. This agreement binds only the USAO and does not bind any other federal, state or local prosecuting authority.

DEFENDANT'S ACKNOWLEDGMENT

11. By signing this agreement, Defendant acknowledges that he has read this agreement, that he has carefully discussed the terms of this agreement with his attorney(s), and that he understands and accepts those terms voluntarily, without duress or coercion, and of his own free will, because he is, in fact, guilty of the offense charged in the Information. Defendant further acknowledges and confirms that no one has threatened, coerced or forced him in any way to enter into this Plea Agreement, that he has conferred with his lawyer regarding the facts of this case and the applicable law, including any possible defenses, and that he is fully satisfied with the representation and services of his attorney(s) in this matter.

GREGORY G. LOCKHART
United States Attorney

LAURA L. CLEMMENS
Assistant United States Attorney

5/2/08
Date

ROBERT REINHOLD
Defendant

5/2/08
Date

JAMES FLEISHER, ESQ.
Attorney for ROBERT REINHOLD

5/2/08
Date

4/29/08

Exhibit A

Statement of Facts

Between an exact beginning date unknown, but at least by on or about April 22, 2003, and on or about October 24, 2007, the defendant, **ROBERT REINHOLD** ("Defendant"), knowingly received and possessed at his residence located at 2890 Hickorywood Drive, Troy, Ohio ("residence"), visual depictions of minors engaged in sexually explicit conduct that had been shipped and transported in interstate and foreign commerce. During this time period, using computer equipment located at his residence, and the internet -- a facility of interstate and foreign commerce, access to which was supplied by an internet service provider to his residence, Defendant purchased from his residence multiple subscriptions to commercial child pornography websites which offered members-only access to images of child pornography ("the websites"). These websites included, but were not limited to, the websites identified as "H* * * C* * * * * *" and "U* * * * * H* * *." Defendant used a PayPal account to purchase at least one of these subscriptions. Shortly after purchasing the subscriptions, Defendant would receive a password or code from the websites via email communications from the websites to his home computer. Defendant would use the password or code to access the websites. Using the internet to access the websites, Defendant downloaded visual depictions of minors engaged in sexually explicit conduct, including both still images and videos, from the websites, most, if not all of which, originated out-of-state or out of the country. The visual depictions were of children under the age of 18 engaged in sexually explicit conduct with adults and other children under the age of 18. These visual depictions included greater than 600 videos and movies. These visual depictions

include images of prepubescent children. These visual depictions were of minors engaged in sexually explicit conduct, and the production of these still images and videos involved the use of minors engaged in sexually explicit conduct. Once the images were downloaded to his home computer, Defendant saved them and/or stored them for future access to the hard drive of his personal computer or on a 500 gigabyte external hard drive, both of which were located in his residence. Defendant also used his home computer and printer to print hundreds of images of child pornography, which he stored in his residence. Defendant used his residence and intended it to be used to commit and promote the commission of his receipt ~~and possession~~ of the child pornography offenses described herein.

ROBERT REINHOLD, HEREBY ACKNOWLEDGES THE STATEMENT OF FACTS TO BE TRUE AS HE VERILY BELIEVES ON THIS 2nd DAY OF MAY, 2008.

ROBERT REINHOLD