

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA

San Diego, California

***United States Attorney
Laura E. Duffy***

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For Immediate Release

NEWS RELEASE SUMMARY - April 9, 2012

United States Attorney Laura E. Duffy announced that David Michael McElmurry was sentenced today by United States District Court Judge John A. Houston to serve a total of 25 years in federal prison, followed by a lifetime of supervised release, and mandatory registration under the Sex Offender Registration and Notification Act.

A federal jury found McElmurry guilty on August 26, 2011, following a three-day jury trial. The jury returned verdicts convicting McElmurry on two counts of the indictment charging him with distribution and possession of child pornography with a prior sex offense, in violation of Title 18, United States Code, Sections 2252(a)(2) and (4).

According to evidence presented at trial, McElmurry possessed an encrypted computer that contained over 40,000 images of child pornography available for sharing to others on a commercially available file-sharing program. The computer was set up at his mother's house because McElmurry was not allowed to have a computer at his residence due to his status as a convicted sex offender from a prior guilty plea for distribution and possession of child pornography in 2007. The pornographic images he possessed and made

available for distribution ranged from infants to prepubescent males and females. According to evidence presented at trial, an FBI agent posing as a person interested in the material was able to connect to McElmurry's file-sharing account and download and browse the images on the computer.

At the sentencing hearing, McElmurry denied knowing the images were present on the computer, but admitted he has a sexual attraction to young males.

This case arises from an investigation by the Federal Bureau of Investigation.

This case was brought as part of Project Safe Childhood, a nationwide initiative launched in May 2006 by the Department of Justice to combat the growing epidemic of child sexual exploitation and abuse. Led by the United States Attorneys' Offices and the Criminal Division's Child Exploitation and Obscenity Section, Project Safe Childhood marshals federal, state, and local resources to locate, apprehend, and prosecute individuals who sexually exploit children, and to identify and rescue victims. For more information about Project Safe Childhood, please visit www.usdoj.gov/psc. For more information about Internet safety education, please visit www.usdoj.gov/psc and click on the tab "resources."

This case is also being brought as part of the FBI's Innocent Images National Initiative (IINI), a nationwide initiative designed to protect children from online exploitation and abuse. For more information about IINI, please visit www.fbi.gov.

DEFENDANT

Case Number: 10cr5096-JAH

David Michael McElmurry

SUMMARY OF CHARGES

Title 18, United States Code, Sections 2252(a)(2) and (4)- Distribution and Possession of Images of Minors Engaged in Sexually Explicit Conduct

INVESTIGATING AGENCY

Federal Bureau of Investigation