

# Department of Justice

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Central District of Illinois

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## **Three Area Men Indicted on Child Pornography Charges**

Urbana, Ill. – Indictments have been returned charging three area men with child pornography offenses: Erik Barthelemy, 27, of Champaign, Ill.; Danny L. Smith, of Georgetown; and, Dustin R. Underwood, 19, of Clinton. The men, previously charged by criminal complaint, have each been charged in separate cases with distribution and possession of child pornography.

The charges were investigated by U.S. Immigration and Customs Enforcement Homeland Security Investigations; the Champaign Police Department; the Urbana Police Department; the Decatur Police Department; and the East Central Illinois Cyber Crimes Working Group.

Barthelemy, of the 400 block of W. Vine Street, Champaign, Ill., was arrested on Sept. 10, 2012. U.S. Magistrate Judge David G. Bernthal ordered that Barthelemy remained detained in the custody of the U.S. Marshals Service. The indictment returned late yesterday charges Barthelemy with two counts of distribution of child pornography in October 2011, and one count of possession of child pornography on Sept. 10, 2012.

Smith, of the 600 block of E. 13<sup>th</sup> Street, Georgetown, was arrested on Sept. 11, 2012, and appeared before U.S. Magistrate Judge Bernthal, who ordered that Smith remain detained in the custody of the U.S. Marshals Service. The indictment returned late yesterday charges Smith with three counts of distribution of child pornography in May and July 2012, and one count of possession of child pornography in September 2012.

Underwood, of the 800 block of E. Webster, Clinton, Ill., is charged with child pornography distribution (three counts) in February and March 2012, and possession (one count) in August 2012. The indictment against Underwood was returned by a federal grand jury on Sept. 19. Underwood was arrested on Aug. 28, 2012, and charged by federal criminal complaint. Judge Bernthal ordered that Underwood remain in the custody of the U.S. Marshals Service, and trial has been scheduled for Nov. 26, 2012.

If convicted, the statutory penalty for each count of distribution of child pornography is a mandatory minimum of five years in prison to 20 years in prison and a term of supervised release of up to life following any term of imprisonment. If a defendant has a prior child sex abuse or child pornography conviction, the statutory penalty is not less than 15 years and up to 40 years in prison. For possession of child pornography, the penalty is up to 10 years in prison.

Each indictment seeks forfeiture of computers and related materials allegedly used to commit or promote the offenses.

(More)

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Members of the public are reminded that an indictment is merely an accusation; each defendant is presumed innocent unless proven guilty.

The 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 U.S. 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).

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