



# Department of Justice

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### CONVICTED CHILD MOLESTER SENTENCED FOR DISTRIBUTING CHILD PORNOGRAPHY

South Bend, Indiana -- The United States Attorney's Office announced today that:

On Monday, November 7, 2011, Jack E. Smith, Jr., 39, of Plymouth, Indiana, was sentenced by Judge Robert L. Miller, Jr. to 151 months imprisonment and lifetime supervised release after pleading guilty to the felony offense of distributing child pornography. Smith will also be required to register as a sex offender once he is released from prison and remain so registered for the remainder of his life.

In March 2010, law enforcement officers acting in an undercover capacity downloaded numerous child pornography images and videos via a peer-to-peer file sharing program operated by Smith. Following those downloads, law enforcement obtained a warrant to search Smith's apartment. When that warrant was executed on May 27, 2010, law enforcement discovered over 6,000 images and videos of child pornography on Smith's computer.

Smith admitted in his plea agreement that he had distributed and possessed depictions of minors under the age of 12 being caused to engage in sexually explicit conduct. Smith also admitted in the plea agreement that he possessed depictions of minors being caused to engage in sadomasochistic conduct or other depictions of violence. Smith further admitted that he made sexually explicit images and videos of children available for download via the Internet.

Smith has a prior history of child molesting convictions. In 1992 Smith was convicted of C Felony Child Molesting in Hancock County Circuit Court and received 8 years imprisonment with four years suspended and four years probation. He violated the terms of his probation in 1995, which resulted in four additional years being imposed. Smith was released from custody on that charge in 1997. In 1998, he was convicted of two additional child exploitation offenses. The first was a second offense of C Felony Child Molesting in Howard County Superior Court, for which he received a sentence of imprisonment of eight years. The second was a Class A misdemeanor Possession of Child Pornography offense, for which he was sentenced to one year imprisonment, to run consecutive to his other conviction. Following those convictions, Smith

violated parole in 2003 and was returned to custody, eventually being released in February 2007. Smith currently is facing a D felony failure to register as a sex offender charge in Marshall County.

The case against Smith resulted from a joint investigation by the Federal Bureau of Investigation and the Indiana State Police working through Indiana Internet Crimes Against Children Task Force. The case was prosecuted by Assistant United States Attorney John M. Maciejczyk as part of Project Safe Childhood, a nationwide initiative to combat the growing epidemic of child sexual exploitation and abuse. Project Safe Childhood was 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 specific sentence in each case to be imposed upon conviction will be determined by the judge after a consideration of federal sentencing statutes and the Federal Sentencing Guidelines.

The United States Attorney's Office emphasized that an Indictment is merely an allegation and that all persons charged are presumed innocent until and unless proven guilty in court.