

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO: 10-004
v.	*	SECTION: "A"
NICHOLAS BROEKMAN	*	VIOLATION: 18 U.S.C. § 2252(a)(2)
	*	18 U.S.C. § 2253
	*	
* * *		

F A C T U A L B A S I S

Should this matter proceed to trial, both the government and the defendant, **NICHOLAS BROEKMAN**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the government would prove the following beyond a reasonable doubt at trial:

The government would show that at all times mentioned in the Bill of Information, the defendant, **NICHOLAS BROEKMAN**, was a resident of the Eastern District of Louisiana, living in Belle Chasse, Louisiana.

The government would present evidence that on or about June 25, 2009, Special Agents from the U. S. Department of Homeland Security Immigration and Customs Enforcement (ICE) executed a federal search warrant, based on probable cause, at the defendant's Jason Drive residence located in Belle Chasse, Louisiana. Agents would testify that during their search they recovered a Dell

Inspiron laptop computer, a HP laptop computer, and approximately 150 images of child pornography found under **BROEKMAN's** bed.

The government would establish through testimony and documentary evidence that **BROEKMAN** knowingly used his computer to search for, download, and save images of child pornography. Specifically, the government would introduce records that **BROEKMAN** subscribed to websites that contained child pornography and that he knowingly received and possessed images of child pornography. Further, the evidence and testimony would establish that a forensic search of **BROEKMAN's** computer media revealed approximately 1,500 images depicting the sexual victimization of children.

Further, the government would introduce post-*Miranda* statements of the defendant wherein **BROEKMAN** admitted to federal agents that he knowingly purchased access to child pornography websites and that he downloaded and saved images of child pornography since 2000. According to **BROEKMAN**, he had subscribed to child pornography websites over the years and had paid anywhere from \$39 to \$200 for access to the sites. **BROEKMAN** told investigators that he currently had a lifetime subscription to a child pornography website called "Dreamzone CC." He said the Dreamzone website contained images of child pornography depicting children 8 to 16 years of age and that he masturbates to the images. Agents asked **BROEKMAN** why he accessed child pornography sites to which he replied "sometimes you need something to beat your meat to." He said that he had last viewed child pornography the week prior. Additionally, **BROEKMAN** told agents that he had a stack of child pornography pictures hidden under his bed and that he also saved images to discs.

Forensic evidence consisting of medical testimony, law enforcement officers, and supporting documentation would establish that some of the child victims depicted in the images possessed by **BROEKMAN** were of real, identifiable victims, less than the age of eighteen (18) at the time the child pornography was created.

Testimony would establish that some of the child victims depicted in the materials possessed by **NICHOLAS BROEKMAN** were of prepubescent children less than 18 years of age; to wit: less than twelve (12) years old and that the images of the child victims were engaged in “sexually explicit conduct” as defined in Title 18, United States Code, Section 2256. These images included pictures of adult males penetrating minor victims. All of the images of child pornography possessed by the defendant would be introduced through the testimony of ICE agents.

Further, the government would present evidence that would establish that the images of child pornography had been transported in interstate and foreign commerce via computer.

Further, the government would show through testimony and documentary evidence that the equipment used by the defendant to acquire the child pornography was transported in interstate or foreign commerce.

NICHOLAS BROEKMAN
Defendant

DATE

PROVINO MOSCA
Counsel for Defendant

DATE

BRIAN M. KLEBBA
Assistant United States Attorney

DATE