

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

UNITED STATES OF AMERICA	*	CRIMINAL NO: 09-402
v.	*	SECTION: "C"
RICHARD A. HIGGINS	*	VIOLATION: 18 U.S.C. § 2252(a)(2)
		18 U.S.C. § 2252(b)(1)
		18 U.S.C. § 2253
	*	
*	*	*

FACTUAL BASIS

Should this matter proceed to trial, both the government and the defendant, **RICHARD A. HIGGINS**, 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 Superseding Bill of Information, the defendant, **RICHARD A. HIGGINS**, was a resident of the Eastern District of Louisiana, living in Mandeville, Louisiana.

The government would present evidence and testimony that U. S. Immigration and Customs Enforcement (ICE) agents received information that **RICHARD A. HIGGINS** had purchased access to child pornography websites. On December 11, 2009, ICE agents located **HIGGINS** in

Mandeville, Louisiana at his Clausel Street residence. **HIGGINS** voluntarily provided ICE agents with written consent to search his residence and allowed agents to seize evidence from his residence. Agents would testify that they recovered computers, hard drives, and other computer media from the defendant's Mandeville residence.

The government would establish through testimony and documentary evidence that **HIGGINS** knowingly used his computer and "Winmx" to search for, download, and save images of child pornography. Further, the evidence and testimony would establish that a computer forensic search of **HIGGINS'** seized computers and related evidence revealed approximately 10,000 images and 2500 videos depicting the sexual victimization of children.

Further, the government would introduce post-*Miranda* statements wherein **HIGGINS** voluntarily admitted to federal agents that he knowingly downloaded images of child pornography to his computer. According to **HIGGINS**, he had been viewing child pornography for approximately thirteen years. **HIGGINS** told agents that he had images of children on his computer who ranged in age from infants to 15. According to **HIGGINS**, his computer contained four hard drives and he would remove the drives that contained child pornography when his computer was worked on so the child pornography would not be discovered.

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 **HIGGINS** 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 **HIGGINS** 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 vaginally and/or anally penetrating minor victims and minors performing oral sex on adults. All of the images and videos 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 present evidence at sentencing that on or about June 22, 1983, the defendant, **RICHARD A. HIGGINS**, was convicted of the felony crimes of Crime Against Nature, Case Number 83-1307, and Carnal Knowledge of a Juvenile, Case Number 83-1308, in the Twenty-Fourth Judicial District Court for the Parish of Jefferson, Louisiana.

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.

RICHARD A. HIGGINS
Defendant

DATE

WARREN MONTGOMERY
Counsel for Defendant

DATE

BRIAN M. KLEBBA
Assistant United States Attorney

DATE