

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

UNITED STATES OF AMERICA

*** CRIMINAL NO: 09-341**

v.

*** SECTION: "S"**

ROBERT KIM ISTRE

*** 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, **ROBERT KIM ISTRE**, 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 Indictment, the defendant, **ROBERT KIM ISTRE**, was a resident of the Eastern District of Louisiana, living in Houma, Louisiana.

The government would present evidence that on or about July 30, 2009, Special Agents from the Federal Bureau of Investigation (FBI) executed a federal search warrant, based on probable cause, at the defendant's Sonny Street residence located in Houma, Louisiana. Agents would testify

that during their search they recovered a personal computer and numerous DVD's, CD's and VHS tapes from Istre's residence.

The government would establish through testimony and documentary evidence that **ISTRE** knowingly used his computer to search for, download, and save images of child pornography. Specifically, the government would introduce records that **ISTRE** used the peer-to-peer file sharing program "Gigatribe" to knowingly receive images and videos of child pornography. Further, the evidence and testimony would establish that a forensic search of **ISTRE's** computer media revealed approximately 10,000 images and 300 videos depicting the sexual victimization of children.

Further, the government would introduce statements of the defendant wherein **ISTRE** admitted to federal agents that he looked at child porn on the Internet. According to **ISTRE**, he knew child pornography was illegal.

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 **ISTRE** 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 **ROBERT KIM ISTRE** 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 as well as images of bondage. All of the images of child pornography received and possessed by the defendant would be introduced through the testimony of FBI 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.

ROBERT KIM ISTRE
Defendant

DATE

GEORGE CHANEY
Counsel for Defendant

DATE

BRIAN M. KLEBBA
Assistant United States Attorney

DATE