

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

UNITED STATES OF AMERICA

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CRIMINAL NO: 10-009

v.

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SECTION: "F"

DAVID RUSSELL MANSEL

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**VIOLATION: 18 U.S.C. § 2252(a)(2)
18 U.S.C. § 2252(b)(1)
18 U.S.C. § 2253**

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

Should this matter proceed to trial, both the government and the defendant, **DAVID RUSSELL MANSEL**, 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, **DAVID RUSSELL MANSEL**, was a resident of the Eastern District of Louisiana, living in New Orleans, Louisiana.

The government would present evidence and testimony that U. S. Immigration and Customs Enforcement (ICE) agents while conducting an on-line child exploitation investigation determined that **DAVID RUSSELL MANSEL** was sharing images of child pornography through the use of

peer-to-peer file sharing software. On November 4, 2009, ICE agents executed a federal search warrant, based on probable cause, at the defendant's Republic Street residence. Agents would testify that they recovered a computer and hard drive from the defendant's home.

The government would establish through testimony and documentary evidence that **MANSEL** knowingly used his computer to search for, download, and save images of child pornography. Further, the evidence and testimony would establish that a computer forensic search of **MANSEL**'s seized computers and related evidence revealed approximately 130 images depicting the sexual victimization of children.

Further, the government would introduce post-*Miranda* statements wherein **MANSEL** voluntarily admitted to federal agents that he knowingly downloaded images of child pornography to his computer. According to **MANSEL**, he used the search terms "preteen model" to locate images of child pornography. **MANSEL** would search for and access child pornography once or twice a week and would delete his history files after viewing the child pornography. **MANSEL** said he purchased his computer in June and has been viewing child pornography for approximately one year. **MANSEL** said he would sometimes masturbate to the child pornography. **MANSEL** advised that he knew it was illegal to download images of child pornography and that the youngest child depicted in the child pornography he remembers viewing was approximately four (4) years old.

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

MANSEL 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 **MANSEL** 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 depicting the sexual victimization of minors 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 February 14, 1989, the defendant, **DAVID RUSSELL MANSEL**, was convicted of five counts of Aggravated Sexual Battery of a child and one count of Aggravated Rape of a child, Case Nos. 8803763, 8803764, 8803765, 8803766, 8803980 and 8803981, in the Criminal Court of Shelby County, Tennessee.

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.

DAVID RUSSELL MANSEL
Defendant

DATE

RICHARD J. RICHTHOFEN, JR.
Counsel for Defendant

DATE

BRIAN M. KLEBBA
Assistant United States Attorney

DATE