



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO: 12-186
v.	*	SECTION: "C"
DAVID W. HOLLINGSWORTH	*	VIOLATION: 18 U.S.C. § 2252(a)(2)
		18 U.S.C. § 2253
	* * *	

FACTUAL BASIS

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

The government would present evidence and testimony that U. S. Department of Homeland Security, Homeland Security Investigation (HSI) agents along with the Louisiana State Police determined that **HOLLINGSWORTH** was sharing images of child pornography through the use of peer-to-peer file sharing software. On March 15, 2012, law enforcement officials executed a

federal search warrant, based on probable cause, at the defendant's West Forest Isle Drive residence. Agents will testify that when they entered **HOLLINGSWORTH's** apartment they discovered that he had locked himself in the bathroom and they later suspected that he had tried to commit suicide by ingesting a large quantity of prescription medication.

Agents would testify that they recovered two computers from his apartment. The government would establish through testimony and documentary evidence that **HOLLINGSWORTH** 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 **HOLLINGSWORTH's** seized computers and related evidence revealed 1,024 images and 32 videos depicting the sexual victimization of children. HSI computer forensic examiners determined that **HOLLINGSWORTH** used the Peer-2-Peer software Emule to search for and download child pornography. **HOLLINGSWORTH** used the search terms "preteen," "pthc 12 yo," "pthc 11 yo," and "pthc 10 yo" to locate his images and videos. Agents would testify that ptch is an abbreviation for pre-teen hard-core and is a search term commonly used by individuals searching for images depicting the sexual victimization of children.

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 and downloaded by **HOLLINGSWORTH** 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 and received by **HOLLINGSWORTH** 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 and videos include pictures of adult males vaginally penetrating minor victims. All of the images depicting the sexual victimization of minors received and possessed by the defendant would be introduced through the testimony of HSI 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.



DAVID W. HOLLINGSWORTH
Defendant

29 JUN 2012

DATE



M. JOHN STEENSLAND, III
Counsel for Defendant

6/29/12

DATE



BRIAN M. KLEBBA
Assistant United States Attorney

7/12/12

DATE