

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

UNITED STATES OF AMERICA

*

CRIMINAL NO: 11-181

v.

*

SECTION: “N”

FORREST BYRON SMITH

*

* * *

FACTUAL BASIS

Should this matter proceed to trial, both the Government and the defendant, **FORREST BYRON SMITH** (hereinafter “defendant” or “Smith”), 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 and the defendant further stipulate that the Government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment now pending against the defendant:

The Government would show that at all times mentioned in the Indictment, **SMITH** was a resident of the Eastern District of Louisiana, living in Slidell, Louisiana.

The Government would further present competent testimony and evidence that Special Agents from the Federal Bureau of Investigation received credible information that **SMITH** had

downloaded and distributed images and videos of child pornography. On or about November 10, 2010, FBI agents executed a valid search warrant at **SMITH'S** residence and seized seven (7) computers owned and used by **SMITH**. The search of the computers revealed images and videos depicting the sexual exploitation and victimization of minor children on multiple machines.

The Government would establish through testimony of Special Agents from the Federal Bureau of Investigation, forensic examiners, and documentary evidence that **SMITH** knowingly used his computers to search for, download, save, and transmit to others images and videos of child pornography. Specifically, the Government would introduce evidence that **SMITH** accessed numerous websites that contained, and offered for download, child pornography, and that he knowingly distributed, received, and possessed images of child pornography. Further the evidence and testimony would establish that a forensic search of **SMITH'S** computers revealed not less than 21,877 images and 1,498 videos depicting the sexual victimization of children.

These images and videos revealed prepubescent individuals engaging in a variety of sexual activity, including, but not limited to, adult males vaginally and/or anally penetrating prepubescent victims, prepubescent victims performing oral sex on adults, and adult males and females performing oral sex on prepubescent minors, including toddlers and infants. The images also depicted an unclothed female toddler with ejaculate covering her vagina and abdomen and an erect penis resting on her vagina, unclothed prepubescent females bound with rope with their genitalia exposed, a male toddler being anally penetrated by a adult male, and an infant being forced to perform oral sex on an adult male.

The videos revealed a file entitled “!!! NEW !!! Gillian 4Yo - Cuming In Mouth (private)(1).avi,” which depicted a toddler-aged female being forced to stand in front of an adult

male while the adult male masturbated and, ultimately, ejaculated onto the toddler's face. The videos also revealed a presentation detailing and instructing the viewer on how to molest one's daughter. In particular, the video (1) contained numerous sexually explicit pictures of numerous female minors, (2) detailed how to avoid inflicting trauma while conducting the acts to refrain from being caught, and (3) provided a variable list of household objects to use during the molestation depending on the age of the victim, beginning with newborn girls.

The Government would further establish through the testimony of an FBI forensic examiner, as well as FBI Special Agents Bonnie Hartmann and Raj Patel and Wheaton, Illinois Police Detective Andrew Uhler, and forensic and documentary evidence, that Smith distributed images and videos of child pornography via e-mail and the Peer-to-Peer file sharing program "Gigatribe" on numerous occasions between July 2007 and October 2010. In particular, between approximately July 2007 and January 2008, Smith used an email address he created, swampboyjj@aol.com, to send approximately seven (7) emails to the e-mail account cldbeu@aol.com. Each of these emails contained images depicting the sexual victimization of children. In total, **SMITH** sent eighteen (18) such images to cldbeu@aol.com between July 2007 and January 2008. Prior to 2007, **SMITH** also created and used multiple other e-mail addresses, including ["aniceboi@aol.com,"](mailto:aniceboi@aol.com) ["averyniceboy@aol.com,"](mailto:averyniceboy@aol.com) ["kaymayplay@aol.com,"](mailto:kaymayplay@aol.com) and ["averyniceboi@aol.com"](mailto:averyniceboi@aol.com) to send and receive images depicting the sexual victimization of children.

The Government would further establish through the introduction of competent testimony and exhibits, including forensic evidence and the testimony of FBI Special Agents, that **SMITH** used Gigatribe to download, save, and transmit to others images and videos of child pornography. **SMITH** created multiple Gigatribe user accounts, including two with user names "swampbojjj" and

“stephanierdi.” “Swampboyjj” and “Stephanierdi” were two names that **SMITH** used to create e-mail accounts with America Online and Yahoo!, respectively. **SMITH** also created a profile on the social networking website “Bebo.com” under the user name “Swampboyjj” representing himself to be a young male from Auckland, New Zealand. **SMITH** used this profile to join multiple “groups,” including “Gay Boiz 10-16 Only,” “Beautiful Boys and Girls,” and “Sexy Gay Lads.” **SMITH** also created a profile on the social networking website “Facebook.com” under the user name “Stephanierdi” apparently representing himself to be a female who was approximately ten years old.

The Government would further establish that **SMITH** used his Gigatribe accounts to make images and videos depicting the sexual victimization of children available to others, in part so that he could, in exchange, have access to other individuals’ collections of child pornography. Among the files depicting the sexual victimization of children that **SMITH** distributed to others was a video entitled “!!! New !!! Amber - 7yr old pedo-preteen-Bondage,” as well as an image entitled “1(1)” that depicted an adult male placing his erect penis into the mouth of an infant of unknown gender.

The Government would introduce competent testimony and evidence that a forensic search of **SMITH’S** computers and related storage media determined that **SMITH** stored the files (both images and videos) depicting the sexual exploitation of children in folders within his hard drive that he created. **SMITH** stored many of the files in a series of sub-folders in a folder entitled “211 Gold Age.” Smith organized and catalogued the images and videos described above in a series of folders he created, including folders bearing the names “new girl vid,” “boy vids,” “girl pics boyz,” “spank,” “boiz1,” “erect,” “stiffies,” “fun girl,” “very y,” “teenie,” “new girlz,” “fam fun 1,” and “fam fun 2.”

Forensic evidence consisting of the testimony of medical professionals and law enforcement officers, as well as supporting documentation would establish that some of the child victims depicted

in the sexually explicit images possessed by **SMITH** 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 **SMITH** were of prepubescent children less than eighteen (18) years of age, to wit: infants as young as approximately six (6) weeks old, and that the images were of the child victims engaged in “sexually explicit conduct,” as defined in Title 18, United States Code, Section 2256. These images included pictures and videos of adult males and adult females penetrating minor victims and minor victims being bound and restrained and engaging in acts of bestiality. All of the images and videos depicting the sexual exploitation of children possessed by **SMITH** would be introduced through the testimony of Special Agents with the FBI.

The Government would also 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, **FORREST SMITH**, to acquire the child pornography described above was transported in interstate and foreign commerce.

FORREST BYRON SMITH
Defendant

DATE

RONALD J. RAKOSKY
Counsel for Defendant

DATE

RONALD L. FREY
Counsel for Defendant

DATE

JORDAN GINSBERG
Assistant United States Attorney

DATE