

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 11-00014-01-CR-W-DW
)
 CORY STAHL,)
)
 Defendant.)

**MOTION OF THE UNITED STATES FOR
PRETRIAL DETENTION AND A HEARING PURSUANT
TO TITLE 18, UNITED STATES CODE, SECTION 3142(f)**

COMES NOW the United States of America, by Beth Phillips, United States Attorney, and the undersigned Assistant United States Attorney, both for the Western District of Missouri, and hereby moves the Court to hold a hearing pursuant to 18 U.S.C. § 3142(f), for the purpose of demonstrating that no condition or combination of conditions of release will reasonably assure the safety of other persons and the community if defendant is granted bond, nor will any conditions secure defendant's appearance, and that therefore the defendant should be detained.

SUPPORTING SUGGESTIONS

1. Subsection 3142(f), Title 18, United States Code, provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing and if the case is in any one of the following categories:

A. The case involves a crime of violence, a term defined at Section 3156 to include either:

1. An offense that has as an element of the use, attempted use, or threatened use of physical force against the person or property of another;

2. any other offense that is a felony and by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of its commission; or

3. **any felony under chapter . . . 110 [18 U.S.C. §§ 2251 through 2260] . . .”**

B. The case involves an offense where the maximum sentence is life imprisonment or death.

C. The case is a narcotics case under Title 21, United States Code, for which imprisonment for ten years or more is prescribed.

D. Any felony, even a non-violent felony not involving drugs, if the person already has two or more convictions for a crime of violence, a crime punishable by life imprisonment, or a ten year drug felony.

2. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause, to wit:

A. The Defendant is Charged with A Crime of Violence

A Grand Jury has found probable cause to believe that the defendant committed violations of Chapter 110 (18 U.S.C. § 2251), that is, two (2) counts of production of child pornography. These are crimes of violence as defined by 18 U.S.C. § 3156(a)(4)(C) and referred to in 18 U.S.C. § 3142(f)(1)(A).

B. The Law Provides a Rebuttable Presumption That No Combination of Conditions Will Reasonably Assure The Safety Of The Community.

Pursuant to 18 U.S.C. § 3142(e)(3), the law provides that, when a judicial officer finds that there is probable cause to believe that the defendant has committed an offense involving a minor under the section with which Stahl has been charged, “[s]ubject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure . . . the safety of the community.”

C. The Defendant is a Danger to the Community

The investigation of this offense has uncovered evidence that the defendant has acted out in inappropriate and dangerous ways in the community. Such evidence includes the following:

1). In September 2010, an individual was arrested in Baltimore, Maryland by the FBI for distribution of child pornography. This individual, hereinafter referred to as Cooperating Witness (CW), eventually agreed to proffer and provided information regarding an individual named Cory Stahl who, according to the CW, was sexually abusing a minor he mentored, taking pornographic photographs of that minor and others, and distributing the photographs via the Internet.

2). Agents confirmed that in 2006, Mr. Stahl began sponsoring a child through a local mentoring service. The child, hereinafter referred to as Minor Victim (MV), was approximately nine years old at that time. As a mentor, Mr. Stahl was placed in a position of trust and interacted with MV on a weekly, sometime daily basis. MV spent a great deal of time

at Mr. Stahl's home, and was also taken by Mr. Stahl on trips outside the Kansas City area. Until this investigation was initiated, Mr. Stahl continued as the MV's mentor.

3). According to the CW, in 2007, Mr. Stahl sent erotic photographs of the MV to the CW and stated the CW could do whatever he wanted sexually with the MV. During 2007 and 2008, Mr. Stahl made additional offers to the CW to have sex with the MV. The CW continued to have contact with Mr. Stahl until early 2009.

4). On January 18, 2011, based on the above information, contact was made with Mr. Stahl at his residence, 416 NW 63rd Street, #237, Kansas City, Missouri. Mr. Stahl gave agents permission to search his residence, computers, computer storage devices, and camera media for images of child pornography. During the search, a pornographic photograph of the MV was located on Mr. Stahl's Macintosh computer. As a result of the image being located, Mr. Stahl was asked if all the items in the residence could be taken and examined forensically. Mr. Stahl gave his permission for the items to be taken and helped agents carry the items from his apartment to their vehicle.

5). On January 19, 2011, the items were preliminarily examined. Approximately 72 pornographic images of the MV were located on a Kingston Technology 2GB compact flash card. The properties of the photographs indicated the photographs were taken with a Canon EOS 40D digital camera. The card was recovered from a camera bag in Mr. Stahl's apartment which contained a Canon camera. The following is a description of three of the photographs with the dates based on the properties embedded in the photographs:

- a. The MV is sitting nude on the couch in Stahl's apartment. The MV is wearing a necklace with a key on it. The MV is holding his penis. The date of the photograph is August 10, 2009.

- b. The MV is lying nude on his stomach on a bed with a blue comforter. The MV appears to be inserting his finger in his anus. The date of the photograph is August 10, 2009.
 - c. The MV is standing nude holding his penis. The MV is wearing a necklace with a key on it. The date of the photograph is August 15, 2009.
- 6). On January 19, 2011, the MV was interviewed regarding the photographs.

The MV stated that he was the person in the photographs, and all the photographs were taken on a Canon 40D digital camera in Mr. Stahl's apartment by the Defendant. The photographs described in a. and c. were taken in the living room of the apartment. The photograph described in b. was taken on Mr. Stahl's bed. The necklace the MV was wearing was given to him by Mr. Stahl.

7.) During the investigation, Agents learned that Mr. Stahl had previously taken the MV out of state without the permission of MV's mother.

D. The Defendant Is A Potential Flight Risk

The Defendant is a potential flight risk because he is aware of the extensive potential punishment awaiting him upon conviction. Mr. Stahl has been charged by indictment with two (2) counts of production of child pornography. The minimum statutory punishment for each count of production is 15 years. Moreover, production of child pornography is a "covered sex crime" within the definition used by U.S.S.G. § 4B1.5, which will greatly enhance the Defendant's guideline range.

Information gathered during the course of the investigation includes the following:

1). Mr. Stahl is employed as a website designer by a company known as RDM, headquartered in Toronto, Canada. Mr. Stahl works from his home and therefore has no local ties to an employer.

2). Investigators also discovered that Mr. Stahl has family members living in Hopkins, Missouri, located in Nodaway County near the Iowa border.

3). The local mentoring program has discontinued Mr. Stahl as one of their sponsors.

4). On January 20, 2011, Mr. Stahl was traveling North on U.S. Highway 59 approximately five (5) miles south of St. Joseph, Missouri, when he crossed the center line and struck a southbound commercial truck. Mr. Stahl was taken to a St. Joseph hospital with serious injuries and later transferred to KU Medical Center. During an inventory search of his damaged vehicle prior to tow, Highway Patrol Officers located a notebook containing a possible suicide note and incriminating statements relating to the investigation, and Mr. Stahl's passport.

5). Finally, the Government has been notified that other young males have spent the night at Mr. Stahl's apartment. While no other criminal allegations have surfaced, the **investigation is on-going and may result in additional charges.**

3. Conclusion

The Defendant has engaged in crimes of violence. He is a proven risk to minors, who hold him in a position of trust, and the Defendant is aware of the minimum mandatory sentence the two (2) counts of production carry. The statutory minimum sentence maximizes Mr. Stahl's risk of flight. Further, Mr. Stahl was located outside of the Kansas City area with his passport, and based on evidence gathered from the vehicle, may have been attempting suicide when his vehicle crossed the center line and struck the truck.

WHEREFORE, the Government respectfully requests that this Honorable Court set a detention hearing to demonstrate that no condition or combination of conditions will reasonably

assure the safety of the community or diminish the defendant's risk of flight in the face of strong cases which will exact lengthy prison sentences. The government further requests that the Court thereafter detain defendant without bail.

Respectfully submitted,

Beth Phillips
United States Attorney

By */s/ Teresa A. Moore*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on February 4, 2011, to the CM-ECF system of the United States District Court for the Western District of Missouri, and a copy of the foregoing will be hand-delivered to the defendant at his first appearance before a judicial officer

/s/ Teresa A. Moore

Teresa A. Moore
Assistant United States Attorney