

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JUN 10 2010

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN M. PHILLIPS,

Defendant.

CRIMINAL NO. 10cr1726

Count 1: 18 U.S.C. §§ 2252(a)(2),
2252(b)(1), and 2256: Distribution and
Attempted Distribution of Visual
Depictions of Minors Engaged in
Sexually Explicit Conduct;

Counts 2 & 3: 18 U.S.C. §§
2252(a)(2), 2252(b)(1), and 2256:
Receipt of Visual Depictions of Minors
Engaged in Sexually Explicit Conduct;

Count 4: 18 U.S.C. §§ 2252(a)(4)(B),
2252(b)(2), and 2256: Possession of
Matter Containing Visual Depictions of
Minors Engaged in Sexually Explicit
Conduct.

INDICTMENT

The Grand Jury charges:

Count 1

On or about the dates set forth below, in Santa Fe County, in the District of New Mexico, the defendant, **BRIAN M. PHILLIPS**, did knowingly distribute and attempt to distribute a visual depiction contained in the computer file described below, which visual depiction had been mailed and shipped and transported in interstate and foreign commerce, and which contained materials which had been so mailed and shipped and transported in interstate and foreign commerce by any means, including by computer, the production of which visual depiction involved the use of a minor engaging in

sexually explicit conduct and is of such conduct:

| <u>COUNT</u> | <u>FILENAME</u> | <u>DATE</u> |
|--------------|--|------------------|
| 1 | NEWER new pedo ptsc preteen 9yo Tori lsm, bd-company, lso, ls island, kdquality, hussyfan kiddy 001(3).jpg | October 22, 2009 |

In violation of 18 U.S.C. §§ 2252(a)(2), 2252(b)(1), and 2256.

Counts 2 & 3

On or about the dates set forth below, in Santa Fe County, in the District of New Mexico, the defendant, **BRIAN M. PHILLIPS**, did knowingly receive a visual depiction contained in the computer files described below, which visual depiction had been mailed and shipped and transported in interstate and foreign commerce, and which contained materials which had been so mailed and shipped and transported in interstate and foreign commerce by any means, including by computer, the production of which visual depiction\ involved the use of a minor engaging in sexually explicit conduct and is of such conduct:

| <u>COUNT</u> | <u>FILENAME</u> | <u>DATE</u> |
|--------------|--|-----------------|
| 2 | 5 yo+sucking+dad%27s+dick.jpg | August 10, 2009 |
| 3 | 9yo Jenny nude with legs spread wide apart showing pussy - underage lolita r@ygold pthc ptsc ddogprn pedo young child sex preteen hussyfan kiddie kiddy porn(3).jpg | June 4, 2009 |

In violation of 18 U.S.C. §§ 2252(a)(2), 2252(b)(1), and 2256.

Count 4

On or about December 22, 2009, in Santa Fe County, in the District of New Mexico, the defendant, **BRIAN M. PHILLIPS**, did knowingly possess a Hewlett Packard

