



Department of Justice

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Northern District of New York

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PRESS RELEASE

Albany, New York —United States Attorney Richard S. Hartunian and John F. Pikus, Special Agent-in-Charge, Federal Bureau of Investigation, Albany Division, announced today that **DAN SMITH**, age 42, of South Glens Falls, New York, pled guilty in United States District Court in Albany before the Honorable Frederick J. Scullin, Jr. to Count One of an Information charging him with the possession of child pornography.

In connection with his plea today, **SMITH** admitted the following in a written plea agreement and during his plea proceedings:

Between about February, 2005 through October 1, 2007, SMITH worked for a company located in Colonie, New York. Following his separation from the company, his former employer identified suspected child pornography on a computer that had previously been used by SMITH. On October 5, 2007 SMITH's former employer authorized the Colonie Police Department's Computer Crime Unit to seize and search the computer. About one year later, on October 23, 2008, SMITH consented to the seizure and search by the Colonie Police Department's Computer Crime Unit of his personally owned Acer Aspire 5100 laptop computer (s/n 63913461316) which was used by SMITH in his South Glens Falls residence between February, 2005 and October 23, 2008.

Between February, 2005 and October 23, 2008, SMITH used either his former work computer or his Acer laptop computer to access various websites featuring child pornography. SMITH then downloaded and saved hundreds of still images in various electronic subfolders on the aforementioned computers, some of which contain child pornography and some of which depict child erotica.

Forensic examinations of the computers seized from SMITH's former employer, and the Acer laptop computer seized from SMITH's residence, were subsequently conducted. Cumulatively, several hundred still images of female minors engaged in sexually explicit conduct, as those terms and phrases are defined in Title 18, United States Code, Section

2256(2), were recovered from said computers. Some of these images, which had been saved in various computer sub-folders, depict individuals under the age of 18 lasciviously exhibiting and displaying their genitals and pubic areas. Numerous images depict prepubescent minors engaged in such conduct. These images depict actual, as opposed to computer generated, images of minors engaged in such conduct.

SMITH was interviewed by officers of the Colonie Police Department on October 28, 2008. During this interview SMITH made a number of admissions including: (i) he possessed a longstanding interest in finding and viewing images of young girls; (ii) that he was responsible for downloading and saving the child pornography recovered from his former work computer, and from his Acer laptop computer; (iii) that after using queries with search terms such as "preteen," he would download and save child pornography images from various websites, Newsgroups and Usenet groups found on the internet; (iv) that the software used to download and save the child pornography included "Bit Torrent," "Micro Torrent" and "WinRAR"; and (v) that he knew it was against the law to view or download child pornography.

SMITH knowingly and willfully received and possessed the contraband images found on said computers. In addition, SMITH received and possessed the images knowing that they depict minors engaged in sexually explicit conduct. SMITH obtained such images from, among other places, websites and individuals located outside the State of New York. Moreover, such images, and the actual computers and hard drives used to obtain, download and save them, were transported in interstate and foreign commerce and were produced using materials that had been mailed, or shipped or transported in interstate and foreign commerce.

Sentencing was scheduled by Judge Scullin for July 20, 2010, at 10:00 a.m. in U.S. District Court in Albany, New York. **SMITH** faces a maximum penalty of 10 years imprisonment. He also faces a fine of up to \$250,000.00. **SMITH** was released pending his sentencing.

This case was investigated by the FBI's Capital Region Cyber Predator Task Force with the assistance of the Colonie, New York Police Department.

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