



Department of Justice

United States Attorney Richard S. Hartunian
Northern District of New York

FOR IMMEDIATE RELEASE

12/20/2010

<http://www.usdoj.gov/usao/nyn>

CONTACT: Richard S. Hartunian or

Rick Belliss

(518) 431-0247

PRESS RELEASE

Albany, New York —United States Attorney Richard S. Hartunian and John P. Melville, Acting Superintendent of New York State Police, announced that RICHARD O'BERRY, age 34, of Troy, New York, was sentenced on December 17, 2010 by the Honorable Thomas J. McAvoy in Federal District Court in Albany on his guilty pleas to Counts One and Two of an Indictment charging him with the receipt of child pornography and the possession of child pornography, respectively. O'BERRY was sentenced to sixty months of imprisonment and supervised release for life. He was also ordered to: (1) have no unsupervised contact with minors; and (2) register with the New York State Sex Offender Registry Program. The Court also ordered that two computers be forfeited to the United States.

O'BERRY pled guilty on August 3, 2010. In connection with his plea, O'BERRY admitted the following during his plea proceeding:

Between about October 8, 2008 and January 20, 2010, O'BERRY, while in his residence, used a custom-made desktop computer and a Dell desktop computer to access the internet. While on the internet O'BERRY downloaded and installed a file sharing program called "Limewire" onto said computers. Limewire is known as a Peer-to-Peer file sharing program and it allows internet users to trade and receive digital files from other users of computers with the same file sharing program.

While surfing the internet and visiting various websites or while using the Limewire program, O'BERRY obtained electronic files of videos depicting minors engaged in sexually explicit conduct. O'BERRY then downloaded some of these videos to the aforementioned computers wherein he would ultimately save the electronic files to various electronic folders.

Investigators identified the IP address assigned to the defendant's internet account with Time Warner Cable. Investigators further identified several video

files depicting minors engaged in sexually explicit conduct in his “shared” folder, thereby permitting other Limewire users seeking child pornography to receive child pornography from O’BERRY. On January 20, 2010 investigators executed a search warrant at the Defendant’s residence. The aforementioned custom-made desktop computer and Dell desktop computer were seized and searched.

Forensic examinations of the aforementioned custom-made desktop computer and Dell desktop computer, which belonged to the Defendant, were subsequently conducted. Movie files which depict 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 said videos depict individuals under the age of 18 engaged in, among other things, vaginal sex, oral sex, masturbation and the lascivious exhibition of the genitals and pubic area.

On January 20, 2010, O’BERRY was interviewed by law enforcement officials. During this interview, he stated, among other things, that:

1. He owned the aforementioned computers;
2. That he used the Limewire file sharing program to download files from the internet;
3. That he used the Limewire file sharing program to search for child pornography videos; and
4. Some of the files downloaded by O’BERRY from the internet contained videos of child pornography.

This case was investigated by the New York State Police.

LOCAL CONTACT:

Rick Belliss
Assistant U.S. Attorney
Tel: (518) 431-0247