



Department of Justice

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

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CONTACT: William Pericak or
Rick Belliss
(518) 431-0247

PRESS RELEASE

Albany, New York —United States Attorney Richard S. Hartunian and Joseph D’Amico, Superintendent of New York State Police, announced that BRUCE SMITH, age 50, of Adirondack, New York, was sentenced on April 14, 2011 by the Honorable Thomas J. McAvoy in Federal District Court in Albany to 121 months of imprisonment and supervised release for a term of 50 years on his guilty plea to receipt of child pornography. SMITH was sentenced. He also was 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 a computer be forfeited to the United States.

SMITH pled guilty on May 20, 2010. In connection with his plea, SMITH admitted the following during his plea proceeding:

Between about November, 2004 and July 23, 2009, SMITH, while in his residence, used a custom-made desktop computer, property no. AC26400-32RNN1 to access the Internet. While on the Internet SMITH downloaded and installed a file sharing program called “Bearshare” onto said computer. Bearshare 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 Bearshare program, SMITH obtained several electronic files containing still images and videos depicting minors engaged in sexually explicit conduct. SMITH then downloaded some of these still images and videos to the aforementioned computer wherein he would ultimately save the electronic files to either the computer or four individual Memorex CDs/DVDs.

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 Bearshare users seeking child pornography to receive child pornography from

SMITH. On July 23, 2009 investigators executed a search warrant at the Defendant's residence. The aforementioned custom-made desktop computer along with other electronic items were seized and searched.

Forensic examinations of the aforementioned custom-made desktop computer and CDs/DVDs, which belonged to the Defendant, were subsequently conducted. Movie files and still image 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 computer and CDs/DVDs. Some of said images 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 July 23, 2009, SMITH was interviewed by law enforcement officials. During this interview, he stated, among other things, that:

1. He owned the aforementioned computer and CDs/DVDs;
2. That he used the Bearshare file sharing program to download files from the Internet.

This case was investigated by the New York State Police.

LOCAL CONTACTS:

William Pericak
Deputy Criminal Chief,

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