



Department of Justice

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PRESS RELEASE

Albany, New York —United States Attorney Richard S. Hartunian and Clifford C. Holly, Special Agent-in-Charge, Federal Bureau of Investigation, Albany Division, announced that JAMES NASH, age 45, of Troy, New York, was sentenced on May 9, 2011 by the Honorable Thomas J. McAvoy in Federal District Court in Albany on his guilty plea to count two of an Indictment charging him with the possession of child pornography. NASH was sentenced to time served, six months of home detention, 100 hours of community service and twenty years of supervised release. He was also ordered to: (1) have no unsupervised contact with minors; and (2) register with the New York State Sex Offender Registry Program.

NASH pled guilty on September 7, 2010. In connection with his plea, NASH admitted the following in a written plea agreement and during his plea proceeding:

Between about October 8, 2008 and February 3, 2009, NASH, while in his Troy, New York residence, used his Troy City School District Dell laptop computer to access the Internet. While on the Internet NASH used various search terms to search for child pornography. NASH visited child pornography websites wherein he accessed electronic still images and videos depicting minors engaged in sexually explicit conduct. NASH also used the Bit Torrent file sharing program "Azureus" to search for child pornography and to download electronic still images and videos depicting minors engaged in sexually explicit conduct. Sometimes NASH would save the still images or videos for viewing on a later date.

On February 3, 2009 NASH turned over custody of his school-issued laptop computer to members of the School District's Information Technology (IT) department. Members of the IT department then authorized the Federal Bureau of Investigation to conduct a forensic examination of NASH's school-issued computer. Four still images 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 the Dell laptop computer. Said images depict individuals under the age of 18 engaged in, among other things, oral sex and the lascivious exhibition of

the genitals and pubic area. All of the images recovered depict actual, as opposed to computer generated, images of minors engaged in such conduct.

NASH knowingly and willfully possessed the aforesaid images, and knowingly attempted to possess computer images depicting minors engaged in sexually explicit conduct. He also possessed these images knowing that they depict minors engaged in sexually explicit conduct. All of these images had either been transported in interstate or foreign commerce or were produced using materials that had been mailed, shipped or transported in interstate or foreign commerce. NASH obtained such images from, among other places, individuals and websites located outside the State of New York. Moreover, such images, and the actual computer used to obtain, download and save these depictions, 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.

On or about May 8, 2009 NASH was interviewed by law enforcement officials. During this interview, he stated, among other things, that:

- i. He had been interested in child pornography for many years;
- ii. He used the aforesaid computer to search for and access child pornography via websites on the Internet and through file sharing programs;
- iii. His interests were in children between the ages of 14 and 16; and
- iv. That he had been accessing child pornography from the Internet during the time period alleged in the indictment.

This case was investigated by the Federal Bureau of Investigation.

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