

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 11-_____**
v. : **DATE FILED: April 7, 2011**
AUSTIN AYERS WINTHER : **VIOLATIONS:**
: **18 U.S.C. § 2422(a) (enticing interstate**
: **travel for illegal sexual activity -**
: **1 count)**
: **18 U.S.C. § 2422(b) (using means of**
: **interstate commerce to entice a minor**
: **to engage in illegal sexual activity -**
: **1 count)**
: **18 U.S.C. § 1470 (attempted transfer**
: **of obscenity to a minor – 4 counts)**
: **Notice of Forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

Between on or about October 22, 2010 and on or about March 14, 2011, in Philadelphia County, in the Eastern District of Pennsylvania, and elsewhere, defendant

AUSTIN AYERS WINTHER

attempted to knowingly persuade, induce, entice, and coerce an individual, who he believed was 13-years-old, to travel in interstate commerce to engage in sexual activity for which a person can be charged with a criminal offense.

In violation of Title 18 United States Code, Section 18 U.S.C. § 2422(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

Between on or about October 22, 2010 and on or about March 14, 2011, in Philadelphia County, in the Eastern District of Pennsylvania, and elsewhere, defendant

AUSTIN AYERS WINTHER

used a facility and means of interstate commerce, that is, the Internet, to attempt to knowingly persuade, induce, entice, and coerce an individual, who he believed was 13-years-old, to engage in sexual activity for which a person could be charged with a criminal offense.

In violation of Title 18, United States Code, Section 2422(b).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 3, 2010, in Philadelphia County, in the Eastern District of Pennsylvania, and elsewhere, the defendant,

AUSTIN AYERS WINTHER

by means of interstate commerce, that is, the Internet, attempted to knowingly transfer obscene matter to another individual who had not attained the age of 16 years, knowing that the other individual had not attained the age of 16 years.

All in violation of Title 18, United States Code, Section 1470.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 10, 2010, in Philadelphia County, in the Eastern District of Pennsylvania, and elsewhere, the defendant,

AUSTIN AYERS WINTHER

by means of interstate commerce, that is, the Internet, attempted to knowingly transfer obscene matter to another individual who had not attained the age of 16 years, knowing that the other individual had not attained the age of 16 years.

All in violation of Title 18, United States Code, Section 1470.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 19, 2010, in Philadelphia County, in the Eastern District of Pennsylvania, and elsewhere, the defendant,

AUSTIN AYERS WINTHER

by means of interstate commerce, that is, the Internet, attempted to knowingly transfer obscene matter to another individual who had not attained the age of 16 years, knowing that the other individual had not attained the age of 16 years.

All in violation of Title 18, United States Code, Section 1470.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 18, 2011, in Philadelphia County, in the Eastern District of Pennsylvania, and elsewhere, the defendant,

AUSTIN AYERS WINTHER

by means of interstate commerce, that is, the Internet, attempted to knowingly transfer obscene matter to another individual who had not attained the age of 16 years, knowing that the other individual had not attained the age of 16 years.

All in violation of Title 18, United States Code, Section 1470.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 2422(a) and 2422(b), set forth in this indictment, defendant

AUSTIN AYERS WINTHER

shall forfeit to the United States of America any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violations of Title 18, United States Code, Sections 2422(a) and 2422(b), as charged in this indictment, including, but not limited to:

- 1) One (1) Hewlett Packard Laptop, Pavilion dv6700, Serial Number: CNF82622L8;
- 2) One (1) Blackberry mobile device, Pin number: 30CF250B;
- 3) Creative Labs Inc. webcam, Model number: VF0250;
- 4) Simple Tech External hard drive, Model number: 96300-40001-001; and
- 5) One (1) Blackberry Curve mobile device.

All pursuant to Title 18, United States Code, Section 2428.

2. As a result of the violations of Title 18, United States Code, Sections 1470, set forth in this indictment, defendant

AUSTIN AYERS WINTHER

shall forfeit to the United States of America any property used or intended to be used, in any manner or part, to commit, or to promote the commission of, the violations of Title 18, United States Code, Sections 1470, as charged in this indictment, including, but not limited to:

- 1) One (1) Hewlett Packard Laptop, Pavilion dv6700, Serial Number: CNF82622L8;
- 2) One (1) Blackberry mobile device, Pin number: 30CF250B;

- 3) Creative Labs Inc. webcam, Model number: VF0250;
- 4) Simple Tech External hard drive, Model number: 96300-40001-001; and
- 5) One (1) Blackberry Curve mobile device.

All pursuant to Title 18, United States Code, Section 1467.

A TRUE BILL:

GRAND JURY FOREPERSON

ZANE DAVID MEMEGER
United States Attorney