

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

UNITED STATES OF AMERICA

- v. -

DAVID KEITH,
a/k/a "David Wright,"
a/k/a "David Lee Keith,"

Defendant.

INDICTMENT

15-CRIM

827

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
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COUNT ONE

(Sexual Exploitation of a Child)

The Grand Jury charges:

PRODUCTION OF CHILD PORNOGRAPHY INVOLVING VICTIM-1

1. On or about October 13, 2013, DAVID KEITH, a/k/a "David Wright," a/k/a "David Lee Keith," the defendant, who lives in the Bronx, New York, in the area of the University Heights, Morris Heights, Mount Hope, and Mount Eden neighborhoods, approached three girls, approximately 12 to 14 years of age, presented himself as part of the modeling industry, and encouraged the girls to model for him.

2. DAVID KEITH, a/k/a "David Wright," a/k/a "David Lee Keith," the defendant, induced one of the three girls ("Victim-1") to enter his vehicle, a gray Yukon Denali ("Vehicle-1"), and made video recordings of their interaction. As depicted in those video recordings, despite Victim-1 telling KEITH, in substance and in part,

JUDGE NATHAN

"no" and "stop," KEITH induced Victim-1 to expose her genitals and engaged in forcible sexual conduct with Victim-1. KEITH warned Victim-1, in substance and in part, not to tell anyone what happened inside Vehicle-1 and that he had been watching her.

STATUTORY ALLEGATIONS

3. On or about October 13, 2013, in the Southern District of New York and elsewhere, DAVID KEITH, a/k/a "David Wright," a/k/a "David Lee Keith," the defendant, willfully and knowingly did employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and was actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, to wit, KEITH, having a prior conviction under the laws of any State relating to aggravated sexual abuse, sexual abuse, and abusive sexual conduct involving a minor ward, took sexually explicit

video of Victim-1, who was a minor, and stored such video on a computer located at his residence in the Bronx, New York.

(Title 18, United States Code, Sections 2251(a), (e), and 2.)

COUNT TWO

(Sexual Exploitation of a Child)

The Grand Jury further charges:

PRODUCTION OF CHILD PORNOGRAPHY INVOLVING VICTIM-2

4. The allegations contained in paragraphs 1 through 2 are repeated and realleged as though fully set forth herein.

5. On or about October 12, 2014, DAVID KEITH, a/k/a "David Wright," a/k/a "David Lee Keith," induced a child ("Victim-2"), approximately 8 to 9 years of age, to engage in sexually explicit conduct and recorded video of it.

6. DAVID KEITH, a/k/a "David Wright," a/k/a "David Lee Keith," made video recordings of his interaction with Victim-2 inside Vehicle-1. As depicted in those video recordings, KEITH induced Victim-2 to expose her genitals. In the recordings, Victim-2's backpack, which had a Dora the Explorer design on it, was visible on the seat next to her. KEITH warned Victim-2, in substance and in part, not to tell her parents about what happened inside Vehicle-1.

STATUTORY ALLEGATIONS

7. On or about October 12, 2013, in the Southern District of New York and elsewhere, DAVID KEITH, a/k/a "David Wright," a/k/a

"David Lee Keith," the defendant, willfully and knowingly did employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and for the purpose of transmitting a live visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and was actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, to wit, KEITH, having a prior conviction under the laws of any State relating to aggravated sexual abuse, sexual abuse, and abusive sexual conduct involving a minor ward, took sexually explicit video of Victim-2, who was a minor, and stored such video on a computer located at his residence in the Bronx, New York.

(Title 18, United States Code, Sections 2251(a), (e), and 2.)

COUNT THREE

(Receipt of Child Pornography)

The Grand Jury further charges:

8. The allegations contained in paragraphs 1 through 2 and

4 through 6 are hereby repeated and realleged as though fully set forth herein.

9. On the computer of DAVID KEITH, a/k/a "David Wright," a/k/a "David Lee Keith," the defendant, the following, among other things, was found:

a. A video depicting an approximately 10-year-old boy masturbating; and

b. A photograph of an approximately 7- to 9-year-old female, nude from the waist down, lying on a bed, with an adult male hand spreading her genitals.

10. From at least in or about February 2015, up to and including at least in or about November 2015, in the Southern District of New York and elsewhere, DAVID KEITH, the defendant, knowingly did receive and attempt to receive material that contained child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, KEITH received on a computer located at his residence in the Bronx, New York, files containing images and videos containing child pornography, that were downloaded from the Internet.

(Title 18, United States Code, Sections 2252A(a)(2)(B), (b)(1), and 2.)

Count Four

(Possession of Child Pornography)

The Grand Jury further charges:

11. The allegations contained in paragraphs 1 through 2, 4 through 6, and 9 are repeated and realleged as though fully set forth herein.

12. From at least in or about February 2015, up to and including at least in or about November 2015, in the Southern District of New York and elsewhere, DAVID KEITH, the defendant, knowingly did possess and access with intent to view, and attempt to possess and access with intent to view a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, and shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, KEITH, having a prior conviction under the laws of any State relating to aggravated sexual abuse, sexual abuse, and abusive sexual conduct involving a minor ward, possessed images of child pornography, including images of prepubescent minors and minors who had not attained 12 years of age, on a computer located at his residence in

the Bronx, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B), (b)(2),
and 2.)

FORFEITURE ALLEGATION

13. As the result of committing the offenses alleged in Counts One through Four of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253(a): (1) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and (2) any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses, or any property traceable to such property.

(Title 18, United States Code, Section 2253(a).)

SUBSTITUTE ASSET PROVISION

14. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United

States Code, Section 2253(b), and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

(Title 18, United States Code, Section 2253(b); Title 21, United States Code, Section 853(p).)



A handwritten signature in cursive script, reading "Preet Bharara".

PREET BHARARA
United States Attorney

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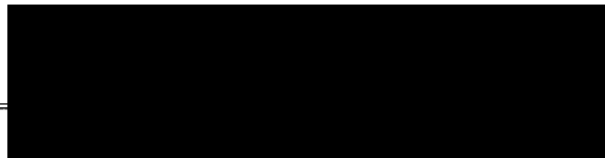
INDICTMENT

15 Cr.

(18 U.S.C. §§ 2251(a) and (e); 2252A(a)(2)(B),
(a)(5)(B), (b)(1), and (b)(2); and 2.)

PREET BHARARA
United States Attorney.

A TRUE BILL



11/30/15
Filed Indictment
Judge Netburn