

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA	)	Case No. 1:18-CR-232
	)	
v.	)	<u>Counts 1-5:</u> Production of Child Pornography
	)	(18 U.S.C. § 2251(a) and (e))
KENNETH WAYNE BURK,	)	
	)	<u>Forfeiture Notice:</u> 18 U.S.C. § 2253
Defendant.	)	
_____	)	

**INDICTMENT**

**May 2018 Term – at Alexandria**

**COUNTS ONE THROUGH FIVE**

(Production of Child Pornography)

THE GRAND JURY CHARGES THAT:

In separate instances on or about the dates set forth below, within the Eastern District of Virginia, the Defendant, KENNETH WAYNE BURK, attempted to and did employ, use, persuade, induce, entice, and coerce a minor, Minor Victim 1, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which visual depiction was actually transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which visual depiction was produced using materials that have been mailed, shipped and transported in and affecting interstate and foreign commerce, by any means,

including by computer, to wit: depictions of Minor Victim 1 engaged in sexually explicit conduct on or about the following dates and produced with the following devices:

<u>Count</u>	<u>Date</u>	<u>Device Used</u>
1	On or before October 14, 2013	HTC Cellular Phone
2	On or before October 25, 2013	HTC Cellular Phone
3	On or before June 17, 2014	HTC Cellular Phone
4	May 19-28, 2017	LG Cellular Phone
5	July 4, 2017	LG Cellular Phone

(All in violation of Title 18, United States Code, Section 2251(a) and (e).)

**FORFEITURE NOTICE**

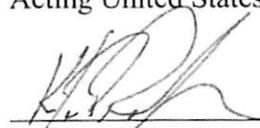
Under Federal Rule of Criminal Procedure 32.2(a), the Defendant is hereby notified that, if convicted of a violation of 18 U.S.C. §§ 2251 or 2252, he shall forfeit to the United States, under 18 U.S.C. § 2253(a), (1) any visual depiction described in 18 U.S.C. §§ 2251, 2251A, 2252, 2252A, 2252B, or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Title 18, Chapter 110 of the United States Code, (2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense, and (3) any property, real or personal, used or intended to be used to commit or promote the commission of such offense or property traceable to such property. The property subject to this forfeiture notice includes but is not limited to an HTC One cellular phone, S/N HT32FS700232, and an LG G3 cellular phone, S/N 510KPJP0570132.

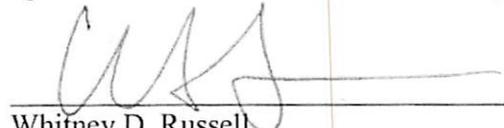
A TRUE BILL:

Pursuant to the E-Government Act,  
The original of this page has been filed  
under seal in the Clerk's Office.

\_\_\_\_\_  
Foreperson of the Grand Jury

Tracy Doherty-McCormick  
Acting United States Attorney

  
\_\_\_\_\_  
Kyle P. Reynolds  
Special Assistant United States Attorney (LT)

  
\_\_\_\_\_  
Whitney D. Russell  
Assistant United States Attorney