

JET/RLW: March 2019
GJ#41

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA)
)
 v.) **CASE NO.**
)
 BENJAMIN EUGENE WALTER) **UNDER SEAL**

INDICTMENT

COUNT ONE: [18 U.S.C. §2251(a) and (e) – Sexual Exploitation of Children]

The Grand Jury charges that:

On or about November 4, 2013, in Morgan County, within the Northern District of Alabama and elsewhere, defendant,

BENJAMIN EUGENE WALTER,

did attempt to and did employ, use, persuade, induce, entice, and coerce **Minor 1**, to engage in sexually explicit conduct for the purpose of producing any 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 any means and facility of interstate and foreign commerce and in and affecting interstate and foreign

commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and the visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, all in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT TWO: [18 U.S.C. §2251(a) and (e) – Sexual Exploitation of Children]

The Grand Jury charges that:

On or about May 31, 2014, in Morgan County, within the Northern District of Alabama and elsewhere, the defendant,

BENJAMIN EUGENE WALTER,

did attempt to and did employ, use, persuade, induce, entice, and coerce **Minor 2**, to engage in sexually explicit conduct for the purpose of producing any 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 any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer;

and the visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, all in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT THREE: [18 U.S.C. §2251(a) and (e) – Sexual Exploitation of Children]

The Grand Jury charges that:

On or about July 15, 2014, in Morgan County, within the Northern District of Alabama and elsewhere, the defendant,

BENJAMIN EUGENE WALTER,

did attempt to and did employ, use, persuade, induce, entice, and coerce **Minor 3**, to engage in sexually explicit conduct for the purpose of producing any 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 any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and the visual depiction was transported and transmitted using any means and

facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, all in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT FOUR: [18 U.S.C. §2251(a) and (e) – Sexual Exploitation of Children]

The Grand Jury charges that:

On or about July 15, 2014, in Morgan County, within the Northern District of Alabama and elsewhere, the defendant,

BENJAMIN EUGENE WALTER,

did attempt to and did employ, use, persuade, induce, entice, and coerce **Minor 4**, to engage in sexually explicit conduct for the purpose of producing any 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 any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and the visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and

foreign commerce, all in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT FIVE: [18 U.S.C. §2251(a) and (e) – Sexual Exploitation of Children]

The Grand Jury charges that:

On or about July 28, 2014, in Morgan County, within the Northern District of Alabama and elsewhere, the defendant,

BENJAMIN EUGENE WALTER,

did attempt to and did employ, use, persuade, induce, entice, and coerce **Minor 5**, to engage in sexually explicit conduct for the purpose of producing any 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 any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and the visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, all in violation of Title 18, United States Code, Sections

2251(a) and (e).

COUNT SIX: [18 U.S.C. §2252(a)(2) and (b)(1) – Distribution of Child Pornography]

The Grand Jury charges that:

On or about December 30, 2015, in Morgan County, within the Northern District of Alabama and elsewhere, the defendant,

BENJAMIN EUGENE WALTER,

did knowingly distribute and attempt to distribute any visual depiction using any means and facility of interstate and foreign commerce, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

COUNT SEVEN: [18 U.S.C. §2252(a)(2) and (b)(1) – Receipt of Child Pornography]

The Grand Jury charges that:

Between on or about November 7, 2013, and December 30, 2015, in Morgan County, within the Northern District of Alabama and elsewhere, the defendant,

BENJAMIN EUGENE WALTER,

did knowingly receive and attempt to receive any visual depiction using any means

and facility of interstate and foreign commerce, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

NOTICE OF FORFEITURE
18 U.S.C. § 2253(a)

As a result of the foregoing offense alleged in **COUNTS ONE** through **SEVEN** of this Indictment, the defendant,

BENJAMIN EUGENE WALTER,

shall forfeit to the United States the following:

- A. any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260, or any book, magazine, periodical, film, videotape, computer disk, thumb drive, flash drive, or other matter that contains any such visual depiction, which was produced, transported, mailed, shipped, and received in violation of Chapter 110 of the United States Code;
- B. any property, real or personal, used and intended to be used to commit and to promote the commission of such offenses, including but not limited to the following:

a. HP Presario model CQ57-439WM laptop, s/n 5CB1505S9S;

b. Acer Aspire 5749Z-4809 laptop, s/n LXRR80204121018C057600;

and

C. any proceeds or gross profits of the offenses, or any property traceable thereto.

If any property subject to forfeiture pursuant to Title 18, United States Code, Section 2253(a), as a result of any act or omission of the defendant,

BENJAMIN EUGENE WALTER,

- 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 that cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

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

A TRUE BILL

/s/ Electronic Signature

FOREPERSON OF THE GRAND JURY

JAY E. TOWN
United States Attorney

/s/ Electronic Signature

R. LEANN WHITE
Assistant United States Attorney

/s/ Electronic Signature

WILLIAM M. GRADY
Trial Attorney
Child Exploitation & Obscenity Section
U.S. Department of Justice