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SERIAL SEX OFFENDER SENTENCED TO 30 YEARS IN PRISON ON SEX TOURISM AND FAILURE TO REGISTER CHARGES IN DELAWARE

WASHINGTON - Thomas S. Pendleton, 66, was sentenced today by Chief U.S. District Judge Gregory M. Sleet in Wilmington, Del., to the statutory maximum of 30 years in prison and a lifetime of supervised release for traveling to Germany to have sex with a minor, announced Assistant Attorney General of the Criminal Division Lanny A. Breuer and U.S. Attorney David C. Weiss for the District of Delaware. Pendleton was also sentenced today to a concurrent term of 10 years in prison for failing to register as a sex offender, in violation of the Adam Walsh Child Protection and Safety Act of 2006.

In September 2009, a federal jury in Wilmington found Pendleton guilty following a three-day trial of violating the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003, which makes it a crime for U.S. citizens to travel abroad and commit illicit sexual acts with minors. Evidence introduced at trial established that Pendleton traveled from Philadelphia to Germany in November 2005, where he met his victim, a 14-year-old boy, who at the time was living in an orphanage. According to evidence presented at trial, during the next several months, Pendleton cultivated a friendship with the victim and made arrangements to go biking with him in May 2006, just after the victim turned 15. Testimony at trial established that, while on the bike trip, the victim woke up to find Pendleton fondling him. The victim and a witness from the camp site where the crime occurred traveled to the United States to testify at the trial.

Pendleton had been previously convicted by a German court of “sexual abuse of persons incapable of resistance,” stemming from this incident. The defendant remained in German custody until Jan. 21, 2008, when he was deported to the United States. On July 24, 2008, Pendleton charged by a federal grand jury in the District of Delaware for violating the PROTECT Act.

Pendleton was also convicted in April 2009, in a separate trial for failing to register as a sex offender. According to information presented at the sentencing hearing, Pendleton has three prior convictions for sexually molesting or assaulting children aged nine through 13-years-old in two U.S. states and in Latvia, in addition to his conviction in Germany. Pendleton was convicted in 1981 of fourth degree criminal contact in a Michigan state court in a case involving the molestation of an 11-year-old, while Pendleton was serving as a church camp counselor at the victim’s church.

According to information also presented at the sentencing hearing, Pendleton was convicted in New Jersey state court in 1992 of sexual assault, attempted aggravated sexual assault of a minor and endangering the welfare of a child in a case involving sexual abuse of a 12-year-old boy on biking trips in Virginia and New Jersey. Pendleton received a seven year sentence for that offense. The jury heard testimony from the now 32-year-old victim of that prior offense at the September 2009-trial for the sex tourism charge.

Approximately three years after his release from New Jersey prison, Pendleton was convicted in the Republic of Latvia of sexually abusing a 9-year-old child and a 13-year-old child between June and November 2001, and was sentenced to three and a half years in prison. He was released from Latvian prison and deported back to the United States on March 20, 2005.

He has been in federal custody since March 10, 2008, when the U.S. Marshals Service arrested him on the failure to register charge.

In sentencing the defendant, the court cited Pendleton's history of sexually abusing children, his failure to accept responsibility for his crimes, and the fact that the defendant's past prison sentences had failed to deter him. Chief Judge Sleet found that this sentence would protect children from "further acts of depravity" perpetrated by the defendant.

The case was prosecuted by Assistant U.S. Attorney Ilana Eisenstein of the U.S. Attorney's Office for the District of Delaware and Trial Attorney Jennifer Toritto Leonardo of the Child Exploitation and Obscenity Section (CEOS). These cases were investigated by special agents from U.S. Immigration and Customs Enforcement and by deputy marshals of the U.S. Marshals Service. A computer forensic specialist from CEOS's High Tech Investigative Unit performed an analysis of a computer and other digital media seized from the defendant.

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