

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

UNITED STATES	:
V.	: CRIMINAL NO.
THOMAS RAFFERTY	: DATE FILED
	: CHARGES: 18 U.S.C. § 2251(a) (employing a child to produce images of
	: the child engaging in sexually explicit conduct – 3 counts)
	: 18 U.S.C. § 1466A (producing visual representations of the sexual abuse of
	: children – 5 counts)
	: 18 U.S.C. §2252(a)(4)(B) (possession of material involving the sexual exploitation
	: of children – 1 count)
	: Notices of forfeiture

INDICTMENT

COUNTS ONE THROUGH THREE

THE GRAND JURY CHARGES:

1. At all times material to this indictment, defendant THOMAS RAFFERTY had access to children under the age of 18. Those children will be referred to in this Indictment as Minor #1, Minor # 2, and Minor #3.
2. On or about each of the dates listed below, in Philadelphia in the Eastern District of Pennsylvania, defendant

THOMAS RAFFERTY

employed, used, persuaded, induced, and enticed the minors listed below to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct. That visual depiction was produced using materials that had been shipped and transported

using means and facilities of interstate and foreign commerce, that is an Olympus Digital Camera.

COUNT	DATE	MINOR
ONE	July 21, 2000	Minor #1
TWO	August 18, 2000	Minor #1
THREE	February 17, 2001	Minor #2

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

COUNTS FOUR THROUGH EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about each of the dates listed below, each date constituting a separate count of this indictment, in Levittown, in the Eastern District of Pennsylvania, the defendant

THOMAS RAFFERTY

produced a visual depiction of the minor designated below, engaging in sexually explicit conduct. The image was obscene, depicted the minor engaging in graphic sexual intercourse, and lacked serious literary, artistic, political, or scientific value. The defendant produced these images using materials that had been shipped and transported in interstate and foreign commerce, that is an Olympus Digital Camera a Seagate FreeAgent external hard drive, Serial Number 2GEXR20X, and a Fujifilm Zip250 zip drive, labeled "A2.

COUNT	DATE	MINOR	IMAGE FILE NAME
FOUR	February 13, 2006	Minor #2	1 (47).jpg
FIVE	March 23, 2006	Minor #3	pumped full.jpg
SIX	August 25, 2006	Minor #1	untitled 51.jpg
SEVEN	November 2, 2006	Minor #3	drugged.jpg

All in violation of Title 18, United States Code, Section 1466A.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about March 31, 2004, in Philadelphia in the Eastern District of Pennsylvania,
the defendant

THOMAS RAFFERTY

produced a visual depiction of the Minor 2 engaging in sexually explicit conduct. The image (named 2X11.PNG) depicted the minor engaging in sadistic and masochistic abuse and lacked serious literary, artistic, political, or scientific value. The defendant produced these images using materials that had been shipped and transported in interstate and foreign commerce, that is an Olympus Digital Camera, a Seagate FreeAgent external hard drive, Serial Number 2GEXR20X, and a Fujifilm Zip250 zip drive, labeled "A2."

In violation of Title 18, United States Code, Section 1466A.

COUNT NINE

THE GRAND JURY FURTHER CHARGES:

1. On or about August 8, 2013, in Levittown in the Eastern District of Pennsylvania, defendant

THOMAS RAFFERTY

knowingly possessed matter, that is, computer hard drives that contained approximately 1,000 visual depictions that had been mailed and shipped and transported in and affecting interstate and foreign commerce and that were produced with materials shipped and transported in interstate and foreign commerce,. The production of these visual depictions involved the use of minors engaging in sexually explicit conduct and the visual depictions were of minors engaging in sexually explicit conduct.

In violation of Title 18, United States Code, Section 2252(a)(4)(B).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 2251 and 2252, defendant

THOMAS RAFFERTY

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, such offense(s), including, but not limited to:

an Olympus Digital Camera
a Seagate FreeAgent external hard drive, Serial Number 2GEXR20X, and
a Fujifilm Zip250 zip drive, labeled "A2.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
 - (b) has been transferred or sold to, or deposited with, a third party;
 - (c) has been placed beyond the jurisdiction of the Court;
 - (d) has been substantially diminished in value; or
 - (e) has been commingled with other property which cannot be divided without difficulty
- it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

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

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1466A, defendant

THOMAS RAFFERTY

shall forfeit to the United States of America the following:

(1) any obscene material produced, transported, mailed, shipped, or received in violation of this chapter;

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

(2) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense including, but not limited to:

an Olympus Digital Camera
a Seagate FreeAgent external hard drive, Serial Number 2GEXR20X, and
a Fujifilm Zip250 zip drive, labeled "A2.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty

it is the intent of the United States, pursuant to Title 18, United States Code, Section 1467(b) incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

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

A TRUE BILL:

GRAND JURY FOREPERSON


ZANE DAVID MEMEGER
UNITED STATES ATTORNEY