

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT **AUG - 9 2011**

mfj

FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

LARRY FRANCO,)

Defendant.)

CRIMINAL NO. 11-2159

Counts 1-2: 18 U.S.C. §§ 2252(a)(2),
2252(b)(1), and 2256: Receipt of a
Visual Depiction of Minors Engaged in
Sexually Explicit Conduct;

Counts 3-6: 18 U.S.C. §§ 2252(a)(4)(B),
2252(b)(2), and 2256: Possession of a
Matter Containing Visual Depictions of
Minors Engaged in Sexually Explicit
Conduct.

INDICTMENT

The Grand Jury charges:

Counts 1-2

On or about the dates set forth below, in San Juan County, in the District of New Mexico, the defendant, **LARRY FRANCO**, did knowingly receive a visual depiction contained in the computer files described below, which visual depiction had been received using any means and facility of interstate and foreign commerce, and which visual depiction had been mailed and shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been so mailed and shipped and transported in interstate and foreign commerce by any means, including by computer, the production of which visual depiction involved the use of a minor engaged in sexually explicit conduct and is of such conduct:

<u>COUNT</u>	<u>FILENAME</u>	<u>DATE</u>
1	Dc775.avi	January 31, 2011
2	Childlover-69-Blowjob.mpg	April 5, 2009

In violation of 18 U.S.C. §§ 2252(a)(2), 2252(b)(1), and 2256.

Count 3

On or about between January 22, 2011 to June 9, 2011, in San Juan County, in the District of New Mexico, the defendant, **LARRY FRANCO**, did knowingly possess a Hewlett Packard 4GB Thumbdrive, containing a visual depiction that had been shipped and transported using any means and facility of interstate and foreign commerce, and had been shipped and transported in and affecting interstate and foreign commerce, and was produced using materials which had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer, the production of which visual depiction involved the use of a minor engaging in sexually explicit conduct and is of such conduct.

In violation of 18 U.S.C. §§ 2252(a)(4)(B), 2252(b)(2), and 2256.

Count 4

On or about between April 5, 2009 to June 9, 2011, in San Juan County, in the District of New Mexico, the defendant, **LARRY FRANCO**, did knowingly possess a Seagate Baracuda 40 GB Hard Drive, Serial Number 3HSOMQ1L, containing a visual depiction that had been shipped and transported using any means and facility of interstate and foreign commerce, and had been shipped and transported in and affecting interstate and foreign commerce, and was produced using materials which had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer, the production of which visual depiction involved

the use of a minor engaging in sexually explicit conduct and is of such conduct.

In violation of 18 U.S.C. §§ 2252(a)(4)(B), 2252(b)(2), and 2256.

Count 5

On or about between January 31, 2011 and March 22, 2011, in San Juan County, in the District of New Mexico, the defendant, **LARRY FRANCO**, did knowingly possess an Imperial Laptop, Serial Number 8911SC899331 with internal Seagate 320 GB Hard Drive, Serial Number 5VH0HG12, containing a visual depiction that had been shipped and transported using any means and facility of interstate and foreign commerce, and had been shipped and transported in and affecting interstate and foreign commerce, and was produced using materials which had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer, the production of which visual depiction involved the use of a minor engaging in sexually explicit conduct and is of such conduct.

In violation of 18 U.S.C. §§ 2252(a)(4)(B), 2252(b)(2), and 2256.

Count 6

On or about between October 14, 2007 to June 9, 2011, in San Juan County, in the District of New Mexico, the defendant, **LARRY FRANCO**, did knowingly possess a Maxtor Diamond Max 80 GB Hard Drive, Serial Number Y3H1CYPE, containing a visual depiction that had been shipped and transported using any means and facility of interstate and foreign commerce, and had been shipped and transported in and affecting interstate and foreign commerce, and was produced using materials which had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer, the production of which visual depiction involved the use of a minor engaging in sexually explicit conduct and is

of such conduct.

In violation of 18 U.S.C. §§ 2252(a)(4)(B), 2252(b)(2), and 2256.

FORFEITURE ALLEGATIONS

Upon conviction of any offense alleged in this indictment, the defendant, **LARRY FRANCO** shall forfeit to the United States pursuant to 18 U.S.C. §§ 2252 and 2253:

- A). Imperial Laptop, Serial Number 8911SC899331 with internal Seagate 320 GB Hard Drive, Serial Number 5VH0HG12;
- B). Seagate Baracuda 40 GB Hard Drive, Serial Number 3HSOMQ1L;
- C). Hewlett Packard 4GB Thumbdrive;
- D). Seagate 13 GB Hard Drive, Serial Number 7CT07NJT;
- E). Maxtor Diamond Max 80 GB Hard Drive, Serial Number Y3H1CYPE;
- F). Maxtor 20 GB Hard Drive, Serial Number B1B34K5E;
- G). Computer Tower containing an IBM Deskstar 82.3 GB internal Hard Drive, Serial Number A4CN2RTA and a Maxtor DiamondMax 160 GB internal Hard Drive, Serial Number Y461HG7E; and
- H). Any other seized computer or computer-related media that contains evidence or is an instrumentality of a violation of 18 U.S.C. § 2252.

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY

Assistant United States Attorney

JT 08/03/11 11:39am