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United States of America
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FILED

SEP 29 2016

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
DEPUTY CLERK

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JOHN BAKER ROSE,

15 Defendant.
16

CASE NO.: **1: 16 CR - 00154 DAD BAM**

VIOLATIONS: 18 U.S.C. § 2422(b) – Use of Facility of Interstate Commerce to Induce Minor to Engage in Criminal Sexual Activity [COUNT ONE]; 18 U.S.C. § 2423(b) – Travel in Interstate Commerce with Intent to Engage in Illicit Sexual Conduct [COUNT TWO]; and 18 U.S.C. § 2252(a)(2) – Receipt of Material Involving the Sexual Exploitation of Minors [COUNT THREE]; 18 U.S.C. § 2253 – Forfeiture

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18 **INDICTMENT**
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20 **COUNT ONE:** [18 U.S.C. § 2422(b) – Use of Facility of Interstate Commerce to Induce Minor to Engage in Criminal Sexual Activity]

21 The Grand Jury charges T H A T:

22 JOHN BAKER ROSE,

23 defendant herein, beginning on a date unknown but no later than approximately September 2015 and
24 continuing through November 2015, in Fresno County, within the State and Eastern District of
25 California and elsewhere, while using the mail or any facility or means of interstate or foreign
26 commerce, knowingly persuaded, induced, enticed, and coerced an individual, who had not attained the
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28 **INDICTMENT**

1 age of 18 years, to engage in any sexual activity for which any person could be charged with a criminal
2 offense, and did knowingly attempt to do so, that is the defendant did use the mail, Internet, and/or
3 telephone to attempt to persuade, induce, entice, and coerce an individual who had not attained the age
4 of 18 years, specifically, a 14 year-old female, to engage in sexual activity for which any person could
5 be charged with a criminal offense, all in violation of Title 18, United States Code, Section 2422(b).

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7 COUNT TWO: [18 U.S.C. § 2423(b) – Travel In Interstate Commerce with Intent to Engage in Illicit
8 Sexual Conduct]

9 The Grand Jury charges T H A T:

10 JOHN BAKER ROSE,

11 defendant herein, beginning on an unknown date but no later than approximately September 2015, and
12 continuing through approximately November 2015, in Fresno County, within the State and Eastern
13 District of California and elsewhere, did travel in interstate commerce for the purpose of engaging in
14 illicit sexual conduct with another person, in that the defendant travelled via state and interstate airways
15 and highways from St. Paul, Minnesota to Fresno, California, for the purpose of meeting with an
16 individual whom he believed to be a 14 year-old female, to have illicit sexual activity as defined in Title
17 18, United States Code, Section 2423(f), in Fresno, California, all in violation of Title 18, United States
18 Code, Section 2423(b).

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20 COUNT THREE: [18 U.S.C. § 2252(a)(2) – Receipt of Material Involving the Sexual
21 Exploitation of Minors]

22 The Grand Jury charges T H A T:

23 JOHN BAKER ROSE,

24 defendant herein, beginning on a date unknown but no later than approximately September 2015 and
25 continuing through March 22, 2016, in Fresno County, within the State and Eastern District of
26 California and elsewhere and through the use of a cell phone, computers and hard drives, did knowingly

1 receive at least one visual depiction, the producing of which involved at least one minor engaging in
2 sexually explicit conduct and which depiction was of such conduct, as defined in Title 18, United States
3 Code, Section 2256, and which had been shipped or transported in or affecting interstate or foreign
4 commerce, had been sent or received using any means or facility of interstate or foreign commerce, and
5 which contained materials which had been mailed, shipped, or transported in interstate or foreign
6 commerce by any means, all in violation of Title 18, United States Code, Section 2252(a)(2).

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8 FORFEITURE ALLEGATION: [18 U.S.C. § 2253(a) – Criminal Forfeiture]

9 The allegations set forth in the above Indictment are incorporated by reference as though fully
10 set forth herein for the purpose of alleging forfeiture pursuant to 18 U.S.C. §§ 2253(a)(1), 2253(a)(2)
11 and 2253(a)(3).

12 Pursuant to one or more of the following: 18 U.S.C. §§ 2253(a)(1), 2253(a)(2) and 2253(a)(3),
13 and upon conviction of one or more of the offenses alleged in this Indictment, the defendant shall forfeit
14 to the United States his interest in any and all items which contain any visual depiction, book, magazine,
15 periodical, film, videotape, or other matters which contains any such visual depiction, which was
16 possessed, produced, transported, mailed, shipped or received in violation thereof; any property, real or
17 personal, constituting or traceable to gross profits or other proceeds the defendant obtained directly or
18 indirectly as a result of the these violations, and any property traceable to such property; and any and all
19 property, real or personal, used or intended to be used in any manner or part to commit or to promote the
20 commission of these violations, and any property traceable to such property; including but not limited to
21 the following:

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- (a) Samsung Galaxy S5 Cell Phone, seized from defendant by law enforcement on or about March 22, 2016;
- (b) Antec Desktop Computer, seized from defendant by law enforcement on or about March 22, 2016;
- (c) Seagate Barracuda 500 GB Hard Drive, seized from defendant by law enforcement on or about March 22, 2016;
- (d) Western Digital 500 GB Hard Drive, seized from defendant by law enforcement on or about March 22, 2016;
- (e) Toshiba Laptop Computer, seized from defendant by law enforcement on or about March 22, 2016; and
- (f) SD cards, compact discs, hard drives, or other electronic storage devices containing visual depictions of minors engaged in sexually explicit conduct and seized from defendant by law enforcement on or about March 22, 2016.

Pursuant to 18 U.S.C. §§ 2253(a)(1), 2253(a)(2), 2253(a)(3), 2253(b), and 21 U.S.C. § 853, if any property subject to forfeiture, as a result of any act or omission of defendants or agents of defendants or upon direction by the defendants:

- 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,

the United States of America shall be entitled to forfeiture of any other property of the defendants, up to the value of the property subject to forfeiture, including but not limited to a personal forfeiture money judgment, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United

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1 States Code, Section 982(b)(1), and Title 28, United States Code, Section 2461(c).

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3 A TRUE BILL

/s/ Signature on file w/AUSA

4 FOREPERSON

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6 PHILLIP A. TALBERT
7 Acting United States Attorney

8 **KIRK E. SHERRIFF**

9 By

Kirk E. Sherriff
Assistant U.S. Attorney
Chief, Fresno Office

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28 INDICTMENT

No. _____

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

FILED

SEP 29 2016

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY
DEPUTY CLERK

THE UNITED STATES OF AMERICA

vs.

JOHN BAKER ROSE

INDICTMENT

1:16 CR - 00154 DAD BAM

VIOLATION(S): 18 U.S.C. § 2422(b)-Use of Facility of Interstate Commerce to Induce
Minor to Engage in Criminal Sexual Activity;
18 U.S.C. § 2423(b)-Travel in Interstate Commerce With Intent to Engage in Illicit Sexual Conduct;
18 U.S.C. § 2252(a)(2)-Receipt of Material Involving the Sexual Exploitation of Minors;
18 U.S.C. § 2253-Forfeiture

A true bill,

151

Foreman.

Filed in open court this _____ day

of _____, A.D. 20 _____

Clerk.

NO BAIL WARRANT

Bail, \$ _____

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURTBY ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING: Case No.**OFFENSE CHARGED**

Please see Indictment

PLEASE SEE INDICTMENT

☐ Petty☐ Minor☐ Misdemeanor☒ FelonyPlace of offense
Fresno CountyU.S.C. Citation
Please see IndictmentName of District Court, and/or Judge/Magistrate Judge Location (City)
EDCA**DEFENDANT -- U.S. vs.**
JOHN BAKER ROSE

Address

1: 16 CR - 00154 DAD BAM

Birth
Date☒ Male☐ Alien☐ Female

(if applicable)

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

SA Andres Varela/HSI

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per
FRCrP ☐ 20 ☐ 21 ☐ 40. Show District☐ this is a reprosecution of charges
previously dismissed which
were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending
case involving this same defendantSHOW
DOCKET NO.☒ prior proceedings or appearance(s)
before U.S. Magistrate Judge
regarding this defendant were
recorded underMAGISTRATE
JUDGE CASE NO.Name and Office of Person
Furnishing Information on

THIS FORM

Maria G. Robles

☒ U.S. Att'y☐ Other U.S. AgencyName of Asst. U.S.
Att'y (if assigned)

BRIAN W. ENOS

☒ FORFEITURE ALLEGATION**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome of this proceeding
If not detained, give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges ☐ Fed'l ☒ State
If answer to (6) is "Yes," show name of institution

Fresno County Jail

Has detainer
been filed?☐ Yes☐ NoIf "Yes,"
give date
filed

Mo.

Day

Year

**DATE OF
ARREST**

Or ... if Arresting Agency & Warrant were not Federal

Mo.

Day

Year

**DATE TRANSFERRED
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS**

Please issue no bail warrant

AUSA INITIALS

PENALTY SLIP

DEFENDANT: JOHN BAKER ROSE

COUNT ONE:

VIOLATION: 18 U.S.C. § 2422(b) -
Use of Facility of Interstate Commerce to
Induce a Minor to Engage in Criminal
Sexual Activity

PENALTY: 10 years to life imprisonment
\$250,000 dollar fine
Lifetime Supervised Release
\$100 Special Assessment

COUNT TWO:

VIOLATION: 18 U.S.C. § 2423(b) -
Travel in Interstate Commerce With
Intent to Engage in Illicit Sexual
Conduct

PENALTY: Up to 30 years imprisonment
\$250,000 dollar fine
Lifetime Supervised Release
\$100 Special Assessment

COUNT THREE:

VIOLATION: 18 U.S.C. § 2252(a)(2) -
Receipt of Material Involving the
Sexual Exploitation of Minors

PENALTY: 5-20 years imprisonment
\$250,000 dollar fine
Lifetime Supervised Release
\$100 Special Assessment

FORFEITURE ALLEGATION: 18 U.S.C. § 2253