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EASTERN DISTRICT OF CALIFORNIA**

5 Attorneys for Plaintiff
6 United States of America

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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 JAYSON FERNANDEZ BUTAY,
14 Defendant.

CASE NO. 2:20-cr-0197 WBS
18 U.S.C. § 2251(a) – Production of Child
Pornography; 18 U.S.C. § 2252(a)(4)(B) – Possession
of Child Pornography; 18 U.S.C. § 2253 – Criminal
Forfeiture

15
16 INDICTMENT

17 COUNT ONE: [18 U.S.C. § 2251(a) – Production of Child Pornography]

18 The Grand Jury charges: T H A T

19 JAYSON FERNANDEZ BUTAY,

20 defendant herein, on or about September 28, 2019, in the County of Sacramento, State and Eastern
21 District of California, did knowingly attempt to and did employ, use, persuade, induce, entice, and
22 coerce a minor, Juvenile Victim 1, who was then approximately nine-years old, to engage in sexually
23 explicit conduct for the purpose of producing a visual depiction of such conduct, to wit, a file entitled
24 20190928_000906.mp4, which visual depiction BUTAY knew and had reason to know would be
25 transported and transmitted using a means and facility of interstate and foreign commerce, and which
26 visual depiction was transported using any means and facility of interstate and foreign commerce and in
27 and affecting interstate and foreign commerce, and which visual depiction was produced and transmitted
28 using materials that had been mailed, shipped, and transported in and affecting interstate and foreign

1 commerce by any means, including by computer, in violation of Title 18, United States Code, Section
2 2251(a).

3 COUNT TWO: [18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography]

4 The Grand Jury further charges: T H A T

5 JAYSON FERNANDEZ BUTAY,

6 defendant herein, on or about October 8, 2020, in the County of Sacramento, State and Eastern District
7 of California, did knowingly possess at least one matter, which contained visual depictions, including,
8 but not limited to, files entitled Baby-rape-cry.mp4, 4yo-rape-cry.WEBM, Kinderotica-Part3.mp4, that
9 had been mailed, shipped and transported in interstate and foreign commerce, and which was produced
10 using materials which had been mailed, shipped, and transported using any means and facility of
11 interstate and foreign commerce, by any means including by computer, the production of which
12 involved the use of a minor engaging in sexually explicit conduct, and which visual depictions were of
13 such conduct, in violation of Title 18, United States Code, Section 2252(a)(4)(B).

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

15 1. Upon conviction of one or more of the offenses alleged in Counts One and Two of this
16 Indictment, defendant JAYSON FERNANDEZ BUTAY, shall forfeit to the United States, pursuant to
17 18 U.S.C. § 2253(a), any and all matter which contains visual depictions produced, transported, mailed,
18 shipped or received in violation thereof; any property, real or personal, constituting or traceable to gross
19 profits or other proceeds the defendant obtained as a result of said violations; and any property, real or
20 personal, used or intended to be used to commit and to promote the commission of such violations, or
21 any property traceable to such property, including but not limited to the following:

- 22 a. ASUS Laptop, Model: GL502V, Serial Number: H2N0CV099029072; and
23 b. Galaxy Note Cell Phone, Model: SM-N960U, IMEI: 359988090071310.

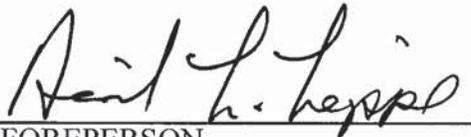
24 2. If any property subject to forfeiture as a result of the offenses alleged in Counts 1 and 2
25 of this Indictment, for which defendant is convicted:

- 26 a. cannot be located upon the exercise of due diligence;
27 b. has been transferred or sold to, or deposited with, a third party;
28 c. has been placed beyond the jurisdiction of the Court;

- 1 d. has been substantially diminished in value; or
2 e. has been commingled with other property which cannot be divided without
3 difficulty;

4 it is the intent of the United States, pursuant to 18 U.S.C. § 2253(b), incorporating 21 U.S.C. § 853(p), to
5 seek forfeiture of any other property of said defendant, up to the value of the property subject to
6 forfeiture.

7 A TRUE BILL.

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10 FOREPERSON

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12 McGREGOR W. SCOTT
13 United States Attorney
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