

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 14-120
v.	*	SECTION: "R"
DON FRANCIS, JR.	*	VIOLATIONS: 18 U.S.C. § 2252(a)(1)
	*	18 U.S.C. § 2252(b)(1)
	*	18 U.S.C. § 2253

* * *

FACTUAL BASIS

Should this matter proceed to trial, both the Government and the defendant, **DON FRANCIS, JR.** ("**FRANCIS**"), do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the government would prove the following beyond a reasonable doubt at trial.

The Government would show that at all times mentioned in the Indictment, the defendant, **FRANCIS**, was a resident of the Eastern District of Louisiana and the Western District of North Carolina.

On or about February 5, 2014, Special Agents with the U.S. Department of Homeland Security, Homeland Security Investigations ("**HSP**"), the Jefferson Parish Sheriff's Office

("JPSO") and the Louisiana Attorney General's Office ("LAAGO") executed a search warrant at the Metairie, Louisiana residence of **FRANCIS**. After conducting a preview search of **FRANCIS's** computer, agents discovered pre-pubescent images and videos of child pornography.

HSI computer forensic agents would introduce evidence that 5,378 images and 362 videos depicting the sexual victimization of children (some of whom were infants) were located on **FRANCIS's** computer. Agents would also testify that, after being advised of his *Miranda* rights, **FRANCIS** admitted to being sexually attracted to children and that **FRANCIS** actively searched for child pornography since 1997.

The Government would introduce evidence that the defendant knowingly transported, received, and possessed certain images of a minor victim, Victim "A." Specifically, the Government would call Victim "A" to testify that he was a minor when **FRANCIS** obtained sexually explicit pictures of his erect penis. Victim "A" would testify that three of the sexually explicit images found on **FRANCIS's** computer during the 2014 search warrant were of Victim "A." Both Victim "A" and the defendant lived in North Carolina in 2008, the year that the sexually explicit images were saved to the defendant's computer. Victim "A" would testify that the images were taken with a cellular telephone. HSI agents would testify that the sexually explicit images of Victim "A" were located on **FRANCIS's** computer. Agents would also testify they found approximately 72 other pictures of Victim "A" saved to the defendant's computer. Most all of the images of Victim "A" were located in a file folder on the defendant's computer labeled with the victim's initials.

The Government would present evidence to establish that the images and videos of child pornography were received using computer equipment and cell phones that had been transported

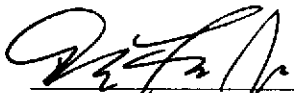
in interstate and foreign commerce. The Government would show through testimonial and documentary evidence that the computers and cell phones used by **FRANCIS** to receive the child pornography were all manufactured outside of the State of Louisiana and were transported in interstate or foreign commerce. Computer forensic examiners would testify that the sexually explicit images of Victim "A" were transferred to the defendant's computer on or about January 7, 2009. Further, the Government would establish that **FRANCIS** transported his computer from North Carolina to the Eastern District of Louisiana and that his transported computer contained the sexually explicit images of Victim "A," as well as the other several thousand images and videos depicting the sexual exploitation of children.

Forensic evidence consisting of Victim "A," law enforcement officers, and supporting documentation would establish that the three (3) images **FRANCIS** received and subsequently transported were of Victim "A," who was born in December 1995, and that the images of Victim "A" were "sexually explicit" as defined in Title 18, United States Code, Section 2256. All of the sexually explicit images of Victim "A," as well as the other 5,300 plus sexually explicit images and 362 videos received, transported, and possessed would be introduced through the testimony of HSI and other agents.

Various records and testimonial evidence, including testimony from representatives of HSI, JPSO, LAAGO, Victim "A," and other witnesses, would also be called to prove the facts set forth above.


LIMITED NATURE OF FACTUAL BASIS

This Factual Basis is not intended to constitute a complete statement of all facts known by the government and the defendant, but rather is a minimum statement of facts intended to prove the necessary factual predicate for defendant's guilty plea. The limited purpose of this Factual Basis is to demonstrate that there exists sufficient legal basis for defendant's plea of guilty to the charged offense.




DON FRANCIS, JR.
Defendant

04/20/16
DATE



SAMUEL SCILLITANI
Counsel for Defendant

4/20/16
DATE



BRIAN M. KLEBBA
Assistant United States Attorney

4/20/16
DATE