

U.S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
FILED JUN 23 2016  
WILLIAM W. BLEVINS  
CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO. 14-150
VERSUS	*	SECTION: "L"
BRIAN GRACO	*	

**FACTUAL BASIS**

The defendant, **BRIAN GRACO** (hereinafter, the "defendant" or "**GRACO**"), has agreed to plead guilty as charged to the Indictment currently pending against him, charging him with receipt of child pornography, in violation of Title 18, United States Code, Section 2252(a)(2). Should this matter proceed to trial, both the Government and the defendant, **BRIAN GRACO**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty. The Government and the defendant further stipulate that the Government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment now pending against the defendant:

The Government would show that, at all times mentioned in the Indictment, the defendant, **GRACO**, was a resident of the Eastern District of Louisiana and lived in Slidell, Louisiana.

The Government would further present competent testimony and evidence that in about March 2014, Special Agents with the Federal Bureau of Investigation ("FBI") determined that **GRACO** was accessing a website whose singular purpose was to act as a child pornography

---

Defendant's Initials



bulletin board and website dedicated to the advertisement and distribution of child pornography and the discussion of matters pertinent to the sexual abuse of children.

On May 27, 2014, law enforcement officials executed a search warrant, based on probable cause, at **GRACO'S** residence, located in Slidell, Louisiana. FBI Special Agent Matthew Allison would testify that they recovered several electronic items, including three computers, one external digital storage device, and three removable digital storage devices. A preliminary review of the electronic devices determined that one of the devices, a Dell Dimension E510 desktop computer with Service Tag number D37MV81 and containing a Western Digital 80 GB hard drive, contained images and videos depicting the sexual victimization of children during the execution of the search warrant.

The Government would further establish through testimony and forensic computer evidence that **GRACO** knowingly used the computers and external hard drives to search for, download, and save images and videos depicting the sexual exploitation and victimization of children. Further, the evidence and testimony would establish that a computer forensic search of **GRACO'S** seized computers and related evidence revealed not fewer than 10,264 images and 130 videos depicting the sexual victimization of children.

Further, the Government would establish, through introducing the results of the computer forensic search, that **GRACO** used the Internet to access websites and networks, including Website A, to download and view child pornography. **GRACO** then stored the images and videos in folders created on his computer.

Special Agent Allison and forensic examiners with the Federal Bureau of Investigation would testify that they were able to determine, after reviewing evidence seized during the execution of the aforementioned search warrant, that beginning not later than June 4, 2013, and continuing through May 27, 2014, **GRACO** conducted searches via websites and networks utilizing the Internet devoted to the advertisement and distribution of child pornography and the discussion of matters pertinent to the sexual abuse of children, including on Website A. For example, **GRACO** downloaded a video entitled "Bibigon vibro school pt2 with cum\_xvid SHOWZAO.wmv" on the Dell Dimension E510 desktop. The 11 minute, 30 second video depicts a prepubescent female being vaginally penetrated by a prepubescent male's penis while the prepubescent female performed oral sex on an adult male.

Forensic evidence consisting of medical testimony, testimony from law enforcement officers familiar with the victims, and supporting documentation would establish that some of the child victims depicted in the images and videos of **GRACO 'S** were of real, identifiable victims, less than the age of eighteen (18) years old. Specifically, many of the child victims depicted in the materials possessed and received by **GRACO** were of prepubescent children as young as approximately five (5) years old at the time the child pornography was created. All of the images depicting the sexual victimization of minors possessed by the defendant would be introduced through the testimony of Special Agents with the FBI. The testimony would further establish that the videos and images of the child victims depicted them engaging in "sexually explicit conduct," as defined in Title 18, United States Code, Section 2256.

Further, the Government would present evidence that would establish that the images of

---

Defendant's Initials 

child pornography **GRACO** received had been transported in interstate commerce via computer.

The Government would also show through testimony and documentary evidence that the equipment used by the defendant to acquire the child pornography was transported in interstate or foreign commerce.

The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from, the Special Agents and forensic examiners from the Federal Bureau of Investigation, other witnesses, and documents and electronic devices in the possession of the FBI.

**APPROVED AND ACCEPTED:**



BRIAN GRACO  
Defendant

23 JUN 2016

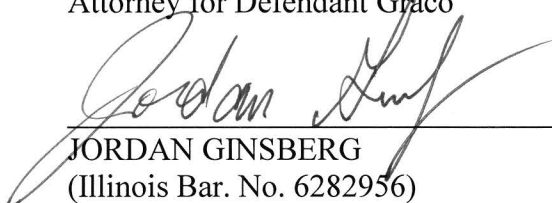
Date



VALERIE WELZ JUSSEIN, ESQ.  
(Louisiana Bar No. \_\_\_\_\_)  
Attorney for Defendant Graco

6-23-16

Date



JORDAN GINSBERG  
(Illinois Bar. No. 6282956)  
Assistant United States Attorney

6-23-16

Date



J. RYAN MCLAREN  
(Louisiana Bar. No. 36577)  
Special Assistant United States Attorney

6/23/16

Date

Defendant's Initials 