

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 18-111
v. * SECTION: "S"
DANIEL JUSTIN MAHAN *
* * *

FACTUAL BASIS

If this case were to proceed to trial, the United States would prove the following facts beyond a reasonable doubt:

An FBI agent discovered that Daniel J. Mahan accessed an undercover web server requesting web pages associated with child pornography. As a result, a search warrant was obtained for the residence of Mahan which is located in Ponchatoula, Louisiana. On Wednesday March 15, 2018, the FBI New Orleans Violent Crimes Against Children Task Force executed the search warrant.

Mahan was observed by law enforcement officers exiting the residence. As they attempted to talk to Mahan, he began to run away. Mahan was subsequently detained and searched. A North American Arms .22 magnum revolver, bearing serial number E227337 was found in his left cargo pocket. Additionally, approximately 26,268 rounds of assorted ammunition and 23 firearms, each listed below, were located in his home and vehicle:

- a. Special Weapons, Inc. Model SW760, 9mm rifle, serial number unknown;
- b. Smith & Wesson Model SW9VE, 9mm pistol, bearing serial number D5D595;
- c. Kimber Model Ultra Crimson Carry II, .45 caliber pistol, bearing serial number KU134883;
- d. F.LLI Pietta, .44 caliber revolver, bearing serial number R401260;
- e. Para Model 1911, .45 caliber pistol, bearing serial number PA000410;
- f. Ruger Model Single-Six, .22 caliber revolver, bearing serial number 20-07786;
- g. Colt Model 45 Colt, .45 caliber revolver, bearing serial number SA714;

- h. Colt Government Model, .45 caliber pistol, bearing serial number SS28322E;
- i. Ruger Model 22/45, .22 caliber pistol, bearing serial number 39097776;
- j. Smith & Wesson Model 617-1, .22 caliber pistol, bearing serial number BRL6013;
- k. Browning, 9mm pistol, bearing serial number 245PP75089;
- l. Smith & Wesson Model 60-7, .38 special caliber pistol, bearing serial number BPY4922;
- m. Bushmaster Model XM-15, .223/.556 caliber rifle, bearing serial number BK5036272;
- n. Remington Model 870, 12 gauge shotgun, bearing serial number 0324818A;
- o. Ithaca Model 37 Featherlight, 20 gauge shotgun, bearing serial number 371552987;
- p. Winchester Model 1897, 12 gauge shotgun, bearing serial number 54461;
- q. Ithaca Model 37, 12 gauge shotgun, bearing serial number 390326;
- r. Olympic Arms Model PCR01, .223/.556 caliber rifle, bearing serial number JJ4598;
- s. Hermitage, 12 gauge shotgun, bearing serial number 54128XE;
- t. Remington Model 514, .22 caliber rifle, serial number unknown;
- u. Ruger Model 10/22, .22 caliber rifle, bearing serial number 23713805;
- v. Smith & Wesson Model 64-2, .38 caliber revolver, bearing serial number DBU852; and
- w. Tula Arsenal, Model M1895, 7.62x38R revolver, bearing serial number CHYA.

Each of the firearms and the ammunition was manufactured outside of the state of Louisiana, and thus, traveled in interstate commerce before Mahan possessed them. Mahan was convicted on February 12, 1997, in the United States District Court for the Eastern District of Arkansas, Case Number 4:96CR00208-001 SWW, for bank robbery, in violation of Title 18, United States Code, Section 2113(a). Thus, he was prohibited from possessing the firearms and ammunition found during the search.

FBI agents learned from subsequent interviews, that Mahan owned two other computers he kept on his desk at his business located in Hammond, LA, to include a Toshiba laptop. Mahan obtained the Toshiba laptop sometime after the death of his father in April 2017. The Toshiba laptop was kept in Mahan's residence between April 2017 and the summer of 2017. Thereafter, Mahan took the Toshiba laptop to his office and kept the Toshiba laptop on his desk.

A federal search warrant was obtained and executed on the Toshiba laptop. Upon completion of the forensic examination, FBI agents located approximately 2,815 images and 130 videos containing child pornography, to include images of vaginal, oral, and anal penetration, as well as bondage. Some of the images depicted acts of violence involving children and prepubescent girls and toddlers engaging in sexual acts with adults.

A Western Digital external hard drive was also located in the ceiling above Mahan's office desk. A federal search warrant was also obtained and executed on the hard drive. Upon completion of the forensic examination, FBI agents located approximately 4,141 images and 40 videos containing child pornography, to include images of penetration, bondage, and bestiality.

Specific examples include an image that shows an adult male, nude from the waist down, with a female child, approximately four years old, nude from the waist down. The child is on the adult male's lap with her legs spread in the air while the adult male sexually assaults her by penetrating her vagina with his erect penis.

A second image shows a nude adult male standing in front of a nude female child, approximately four years of age. The adult male is sexually assaulting the child by holding the back of her head forcing his erect penis in to her mouth.

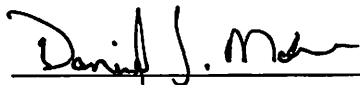
One of the videos shows an approximately five year old female child in a tiger costume with no undergarments who is being sexually assaulted by an adult male. The video shows the child manipulating the adult male's erect penis with her hands and performing oral sex on the adult male's erect penis. The video shows the adult male sexually assault the child by penetrating the child's anus with his erect penis.

The government would establish through testimony and forensic computer evidence that Mahan knowingly used the computer and external hard drive to search for, download from the

internet, and save images and videos of child pornography. The images and the equipment used by the defendant to acquire the child pornography were transported in interstate or foreign commerce.

Forensic evidence consisting of medical testimony, law enforcement officers and supporting documentation would establish that some of the child victims depicted in the images and videos were of real, identifiable victims, less than the age of eighteen (18) years old. Some of the child victims depicted in the materials were of prepubescent children less than two (2) years old at the time the child pornography was created. Further, the images and videos depicted the child victims engaging in "sexually explicit conduct," as defined in Title 18 United States Code, Section 2256.

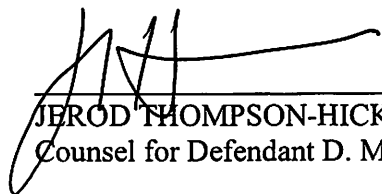
READ AND APPROVED:



DANIEL JUSTIN MAHAN
Defendant

8/30/18

Date



JEROD THOMPSON-HICKS, ESQ.
Counsel for Defendant D. Mahan

8/30/18

Date



TRACEY N. KNIGHT
Assistant United States Attorney

8/30/18

Date