

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

UNITED STATES OF AMERICA * **CRIMINAL NO. 18-119**
v. * **SECTION: F**
DONALD TROSCLAIR *

* * *

FACTUAL BASIS

The defendant, **DONALD TROSCLAIR** (hereinafter, the “defendant” or “**TROSCLAIR**”), 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, **TROSCLAIR**, 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, **TROSCLAIR**, was a resident of the Eastern District of Louisiana and lived in Jefferson, Louisiana.

The Government would further present competent testimony and evidence that Special Agents with the Federal Bureau of Investigation (“FBI”) determined that **TROSCLAIR** was

AUSA JG
Defendant DRZ
Defense Counsel [Signature]

accessing a forum located on the internet whose singular purpose was to act as a child pornography 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, including the safety and security of individuals who seek to sexually exploit children online (“Website A”). Website A also provided links to external websites that made child pornography available to download. Specifically, **TROSCLAIR** visited portions of Website A that discussed or advertised access to child pornography and contained discourse about matters pertinent to the sexual abuse of children on numerous occasions in 2017.

The Government would further present competent testimony and evidence, including the testimony of FBI Task Force Officer (“TFO”) Kathleen Fronczak, that on about February 28, 2018, law enforcement officials executed a search warrant, based on probable cause, at **TROSCLAIR’S** residence, located in Jefferson, Louisiana. TFO Fronczak would testify that they recovered, and subsequently seized, several electronic items during the execution of the search warrant, including one (1) Toshiba Satellite Laptop, Model #L505, S/N: Z9067504Q; one (1) Dell Dimension 4700 Desktop, Service Tag: 3HFDF61; one (1) Seagate external hard drive, 1TB, Model: 9ZC2AG-500, S/N: BE0818117240; one (1) DVD-R disc labeled “All Smut 12-13-2010 Photos”; and one (1) CD-R disc labeled “Photos X 6-6-11” that were determined to contain images and videos depicting the sexual victimization of children.

The Government would further establish through testimony and forensic computer evidence that **TROSCLAIR** knowingly used the computers, external hard drive, and discs to search for, download, and save images and videos of child pornography. Further, the evidence

AUSA JG
Defendant DET
Defense Counsel WJ

and testimony would establish that a computer forensic search of **TROSCLAIR'S** seized computers and related evidence revealed approximately 11,175 images and 6 videos depicting the sexual victimization of children.

Further, the Government would establish, through introducing the results of the computer forensic review, that **TROSCLAIR** used the Internet to access websites and networks, including Website A, to download and view child pornography. **TROSCLAIR** began downloading, viewing, and storing images and videos depicting the sexual victimization of children not later than April 2011. **TROSCLAIR** stored the images and videos in folders he created on his computers, external hard drive, and loose storage media, to catalogue and organize the files.

TFO Fronczak 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, **TROSCLAIR** visited websites known to contain images and videos of child pornography and downloaded multiple files depicting the sexual victimization of children. Specifically, on about November 28, 2015, **TROSCLAIR** visited a website and downloaded an image depicting a female, approximately three years of age, being penetrated anally by the penis of an adult male.

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 of **TROSCLAIR'S** were of real, identifiable victims, less than the age of eighteen (18) years old. All of the images depicting the sexual victimization of minors possessed by the

defendant would be introduced through the testimony of Special Agents and Task Force Officers with the FBI.

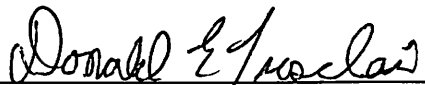
Forensic evidence and testimony would further establish some of the child victims depicted in the materials possessed by **TROSCLAIR** were of prepubescent children less than eighteen (18) years of age; to wit: less than three (3)-years-old at the time the child pornography was created. The testimony would further establish that the videos and images of the child victims depicted them engaging in "sexually explicit conduct," as defined in 18 U.S.C. § 2256, including bestiality, while being bound and gagged.

Further, the Government would present evidence that would establish that the images of child pornography **TROSCLAIR** received had been transported in interstate commerce via computer. The Government would also establish, through testimony and documentary evidence, that the equipment used by the defendant to acquire the child pornography was transported in interstate or foreign commerce.

AUSA JG
Defendant [Signature]
Defense Counsel [Signature]

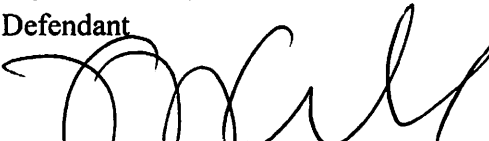
The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from, the Special Agents and forensic examiners from the Federal Bureau of Investigation, other witnesses, documents and electronic devices in the possession of the FBI, and statements made by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

APPROVED AND ACCEPTED:



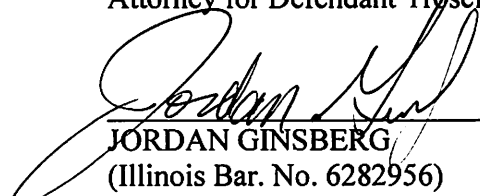
DONALD TROSCLAIR
Defendant

9-26-18
Date



VALERIE WELZ JUSSEIN
(Louisiana Bar No. 19825)
Attorney for Defendant Trosclair

9-26-18
Date



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

9-26-18
Date