

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA \* CRIMINAL NUMBER: 18-089  
v. \* SECTION: "T"  
DON EDWARD PANSELL, II \* VIOLATIONS: 18 U.S.C. § 2252(a)(4)(B)  
\* 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 EDWARD PANSELL, II ("PANSELL")**, 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 the government would prove the following beyond a reasonable doubt at trial:

The government would establish that the case against **PANSELL** developed as a result of an undercover child exploitation investigation conducted by special agents with the U.S. Department of Homeland Security, Homeland Security Investigations ("HSI"). The investigation revealed that **PANSELL** had accessed a commercial website located outside of the U.S. that primarily contained images of child pornography. Users paid for access to the website by creating an account and using Bitcoin or uploading child pornography and receiving download points. HSI agents subpoenaed records to identify those who accessed the website and those records revealed that **PANSELL** used Bitcoin to purchase access to the website. Agents also determined **PANSELL** was a Petty Officer 2<sup>nd</sup> Class in the U.S. Navy assigned to Fleet Readiness Center Mid-Atlantic Detachment, New Orleans.

On April 2, 2018, HSI special agents along with Naval Criminal Investigative Service (“NCIS”) and the Louisiana Bureau of Investigation (“LBI”) visited PANNELL’s residence in Harvey, LA. The agents identified themselves to PANNELL and PANNELL provided consent to enter his residence. PANNELL also gave the agents written consent to conduct a search of his homemade computer tower, Windows Pro Surface computer, Apple iPhone, MSI laptop computer, and Seagate hard drive.

Agents advised PANNELL of his *Miranda* rights and, after waiving his rights, he confessed to viewing and downloading child pornography. PANNELL said he had been looking at child pornography since he was twelve or thirteen years old. When agents asked PANNELL why he was still looking at child pornography, he replied it’s “just like, that whole fantasy you always had when you were a kid.” PANNELL said he last looked at child pornography just a “few days ago” and had used his homebuilt computer to do so. According to PANNELL, he used the dark net and specifically BitTorrent and eMule to locate his child pornography. PANNELL told the agents they would find approximately 100 videos of child pornography on his homebuilt computer tower. According to PANNELL, his age preference was for those aged ten to thirteen years old.


Special agents conducted a preview search of PANNELL’s homemade computer tower and located approximately 100 computer files containing images and videos depicting the sexual victimization of children. PANNELL’s computers, hard drives, and phone were seized and taken to HSI’s computer forensic laboratory at HSI’s New Orleans office. On April 16, 2018, HSI sought and obtained a federal search warrant for PANNELL’s seized electronic devices.

During a subsequent search, HSI computer forensic examiners located over 1,000 images and 125 videos depicting the sexual victimization of children on the defendant's homebuilt tower computer. The images and videos depicted pre-pubescent girls, including toddlers, engaged in sexual acts with adults.


Testimony would establish the images and videos possessed by PANNELL were of pre-pubescent and pubescent children less than 18 years of age; to wit: less than twelve (12) years old and the images of the child victims were "sexually explicit" as defined in Title 18, United States Code, Section 2256. The government would establish that some of the images and videos PANNELL received and possessed depicted pre-pubescent minor children engaged in sex acts with adults including minors being anally penetrated by adult males. All of the images and videos depicting the sexual victimization of minors received and possessed by PANNELL would be introduced through the testimony of HSI agents.

Further, the government would present evidence that would establish that the images and videos of child pornography had been transported in interstate and foreign commerce via computer.

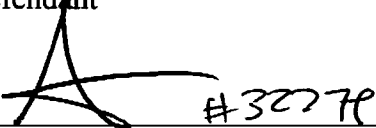
Various records and testimonial evidence, including testimony from representatives of Homeland Security Investigations, the Naval Criminal Investigative Service, the Louisiana Bureau of Investigation, and other witnesses would also be admitted to prove the facts set forth above.

  
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BRIAN M. KLEBBA  
Assistant United States Attorney

8/27/19  
Date

  
\_\_\_\_\_  
DON EDWARD PANNELL, II  
Defendant

27 Aug 2019  
Date

  
\_\_\_\_\_  
MICHAEL KENNEDY  
Counsel for Defendant

8-27-19  
Date