

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

UNITED STATES OF AMERICA

*

CRIMINAL NO. 20-51

v.

*

SECTION: "R"

JASON BOYET

*

* * *

FACTUAL BASIS

The defendant, **JASON BOYET** (hereinafter, the "defendant" or "**BOYET**"), has agreed to plead guilty to Count One of the Bill of Information now pending against him, charging him with distribution 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, **JASON BOYET**, 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 Bill of Information now pending against the defendant:

Background

The Government would show that, at all times mentioned in the Indictment, the defendant, **JASON BOYET**, was a resident of the Eastern District of Louisiana who lived in Ponchatoula, Louisiana. The Government would further establish through self-authenticating evidence that **BOYET** was born on May 24, 1978.

AUSA JG
Defendant JA
Defense Counsel MAN

The Government would further establish that Victim 1 was born in April 2016. **BOYET** had custody and control of Victim 1.

Investigation and Proof of Distribution of Child Pornography

The Government would further present competent testimony and evidence that in about February 2020, a special agent with the Federal Bureau of Investigation operating in an undercover capacity (Agent 1) in the State of Texas accessed a chat room within an instant messaging mobile application known to be a haven for purveyors of digital files depicting the sexual victimization of children. Typically, the chat room required an individual seeking entry to post a file depicting the sexual victimization of children to gain entrance. On December 30, 2019, Agent 1 was invited by a third party (Admin 1) into a private chat group with Admin 1 and an individual utilizing username Jayman5426, subsequently determined to be **BOYET**. While logged into the private chat group, **BOYET** stated that he had custody and control of multiple minors. In subsequent conversations in the private chat room between December 30, 2019 and February 10, 2020, **BOYET** distributed suggestive, but non-sexually explicit, pictures of who he claimed to be the minors over whom he had custody and control.

The Government would further establish that on February 10, 2020, **BOYET** posted in the private chat room a sexually explicit picture of a nude prepubescent female, subsequently determined to be Victim 1, who **BOYET** claimed was one of the individuals over whom he had custody and control. The picture contained a lascivious exhibition of Victim 1's genitals.

The Government would further establish that in the hours after **BOYET** posted the sexually explicit photograph, law enforcement authorities used lawful investigative means to identify Jayman5426's identity and location. Thereafter, on February 12, 2020, special agents with the FBI, among other law enforcement agencies, executed a search warrant issued by United States

Magistrate Judge Dana M. Douglas at **BOYET's** residence. On February 12, 2020, **BOYET** voluntarily consented to answering questions posed to him by FBI agents. During the interview, **BOYET** admitted to using his Apple iPhone XR to access the above-described social media application and to take pictures, including sexually explicit pictures, of two minor children under his custody and control. **BOYET** further admitted stated that he had shared the pictures with other users of the social media application.

The Government would further present forensic evidence, as well as the testimony of special agents with the Federal Bureau of Investigation, that **BOYET** distributed to others on the above-referenced social media application a series of not fewer than six (6) sexually explicit pictures of Victim 1 on at least 3 dates between December 19, 2019, and February 11, 2020, including on February 3, 2020, February 10, 2020, and February 11, 2020. **BOYET** sent the sexually explicit pictures of Victim 1 to multiple individuals on the dates listed above. Specifically, the pictures of Victim 1 **BOYET** distributed constituted sexually explicit images, as that term is defined in Title 18, United States Code, Section 2256(2), because they were graphic lascivious exhibition of Victim 1's genitals. **BOYET** also distributed sexually suggestive, but non-sexually explicit, pictures of Victim 1 and another minor under **BOYET's** custody and control.

Production of Images Depicting the Sexual Victimization of a Child

The Government would further present forensic evidence, as well as the testimony of special agents with the Federal Bureau of Investigation, that **BOYET** produced the six (6) above-described sexually explicit images of Victim 1 he distributed. **BOYET** took the sexually explicit images of Victim 1 on at least 3 dates between December 19, 2020 and February 11, 2020, including on February 3, 2020, February 10, 2020, and February 11, 2020. **BOYET** took the

above-described sexually explicit and non-sexually explicit pictures of minors over whom he had custody and control using his Apple iPhone XR, which was manufactured outside of the State of Louisiana. All the above-described images were created at **BOYET'S** resident, in Ponchatoula, Louisiana, within the Eastern District of Louisiana.

Proof of Receipt of Child Pornography

The Government would further establish that on February 14, 2020, special agents with the FBI executed a search warrant authorized by United States Magistrate Judge Dana M. Douglas on **BOYET'S** Apple iPhone XR. A review of the forensic digital extraction of **BOYET'S** iPhone XR revealed, among other things, that on February 10, 2020, **BOYET** accessed a link to an online file (cloud) storage account multiple times. The link contained approximately 131 sexually explicit videos depicting children being sexually exploited. Among the 131 videos were numerous that depicted children as young as approximately six years old being orally, anally, and vaginally penetrated. Additionally, **BOYET'S** iPhone's Notes application revealed that he created an entry containing the aforementioned link to the online file storage account, which was titled "7-12."

The Government would further establish that the Notes application on **BOYET'S** Apple iPhone XR contained other notes with links to additional online file storage accounts, which were labeled "bbypocha," "11-14," and "Videos cp," which are slang terms referring to child pornography.

Further, the Government would introduce the testimony of FBI Special Agent Mallory Farrar to establish that evidence obtained via the execution of the lawfully issued search warrants, including that executed upon **BOYET'S** iPhone XR, would reveal that **BOYET** received a total of not fewer than approximately 151 images and 195 videos depicting the sexual victimization of children. The testimony of FBI forensic examiners would further establish that **BOYET** received

the images by various means, including receiving them directly from other individuals with whom he communicated on the above-referenced social media application, between December 19, 2019, and February 11, 2020.

Forensic evidence including the testimony of medical experts and law enforcement officers would establish that the child victims depicted in the images **BOYET** received, possessed, and shared were of real, identifiable victims, less than the age of eighteen (18) at the time the child pornography was created.

Testimony would establish that some of the child victims depicted in the materials **BOYET** received were of prepubescent children less than 18 years of age; to wit: as young as approximately one year old and that the images and videos depicted the child victims engaging in "sexually explicit conduct" as defined in Title 18, United States Code, Section 2256. The images of child pornography received by the defendant would be introduced through the testimony of investigators and computer forensic examiners with the FBI.

Further, the Government would present evidence that would establish that the images and videos of child pornography **BOYET** received and distributed 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.

The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from investigators with the Federal Bureau of Investigation, forensic examiners from the FBI, other witnesses, documents and electronic devices in the possession of the FBI, and the voluntary statements of the defendant, **JASON BOYET**.

Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by **DEFENDANT** and the Government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for the plea of guilty to the charged offense by **DEFENDANT**.

APPROVED AND ACCEPTED:

Jason Boyet 9-10-2020
 JASON BOYET Date
 Defendant

James A. Williams 9/10/20
 JAMES A. WILLIAMS Date
 Attorney for Defendant

Jordan Ginsberg 9-11-20
 JORDAN GINSBERG Date
 Assistant United States Attorney