

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

*

CRIMINAL NO. 21-60

CR 21-106

v.

*

SECTION: "J"

JAVAN DAMERIL BAILEY

*

* * *

FACTUAL BASIS

The defendant, **JAVAN DAMERIL BAILEY** (hereinafter, the "defendant" or "**BAILEY**"), has agreed to plead guilty as charged to the Indictment currently pending against him, charging him with production of child sexual abuse material, in violation of Title 18, United States Code, Section 2251(a) (Count 1) and interstate communications with intent to extort, in violation of Title 18, United States Code, Section 875(d) (Count 2). Should this matter proceed to trial, both the Government and the defendant, **JAVAN DAMERIL BAILEY**, 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, **BAILEY**, was an adult male and a resident of Cleveland, Ohio.

The Government would further establish that, at all times mentioned in the Indictment, Victim 1 was a resident of New Orleans, Louisiana, within the Eastern District of Louisiana, who was born in about October 2009.

AUSA JG
Defendant JDB
Defense Counsel VAT

Exploitation and Extortion of Victim 1

The Government would further present competent testimony and evidence that in about February 2021, **BAILEY** met Victim 1 in a social media service that specialized in the hosting and presentation of short-form videos hosted by its users. **BAILEY** utilized username [REDACTED] **BAILEY** pretended to be a minor-aged female and communicated with Victim 1 about twerking videos. Shortly thereafter, **BAILEY** asked Victim 1 to move the conversation to a text message-based platform. During the time of their text-based correspondence, **BAILEY** was located in Cleveland, Ohio, and Victim 1 was located in New Orleans, Louisiana.

The Government would further establish that in about February 2021, after moving the conversation to a text message-based platform, **BAILEY** sent Victim 1 a video of a juvenile female twerking and engaging in sexually explicit conduct. **BAILEY** then instructed Victim 1 via text message to send him a video of Victim 1 engaging in specific sexually explicit conduct or else **BAILEY** would post the video he sent Victim 1 on social media platforms, including the social media service on which they met, and say that the video was of Victim 1 for the purpose of injuring Victim 1's reputation. The purpose of **BAILEY'S** threat was to obtain things of value, namely depictions of Victim 1 engaging in sexually explicit conduct. Victim 1 complied, used a cellular telephone to record a video of her engaging in sexually explicit conduct, and transmitted the video to **BAILEY**.

The Government would further establish that between about February 2021 and May 2021, **BAILEY** continued to direct Victim 1 to record and send him increasingly explicit sexually explicit content numerous times, while threatening to release the prior content if Victim 1 refused. **BAILEY** instructed Victim 1 regarding the nature of the sexually explicit conduct he wanted her to record and send to him. Among the sexually explicit content **BAILEY** directed Victim 1 to

record and send was a video of Victim 1 posing naked in a bathtub together with her nine-year-old relative, who was born in August 2012 (Victim 2), and one-year-old relative, who was born in April 2019 (Victim 3), and a video of Victim 1 engaging in sexually explicit conduct with Victim 3. **BAILEY** told Victim 1 that if she did not send a video of her “doing” Victim 3, **BAILEY** would post the sexually explicit videos of Victim 1 that Victim 1 had already sent to him on various social media applications, including Snapchat, Instagram, and Facebook. Victim 1 complied and produced a video enacting what **BAILEY** instructed. The videos **BAILEY** requested and Victim 1 recorded and transmitted to **BAILEY** in interstate commerce depicted Victim 1 and other minors engaging in sexually explicit conduct, as that term is defined in Title 18, United States Code, Section 2256(2). The content **BAILEY** directed Victim 1 to provide, and which Victim 1 did provide, portrayed sadistic or masochistic conduct and other depictions of violence.

Exploitation and Extortion of Other Minor Victims

The Government would further establish, through documentary evidence and the testimony of special agents with the FBI, that on or about May 27, 2021, law enforcement authorities executed a lawfully-issued search warrant on **BAILEY’S** residence in Cleveland, Ohio. During the execution of the warrant, agents seized **BAILEY’S** cellular telephone, a black iPhone XR, serial number [REDACTED] associated with telephone number [REDACTED] (hereinafter “**BAILEY’S** cellular telephone”). After the search warrant was executed, **BAILEY** acknowledged that he understood, and subsequently waived, his *Miranda* rights. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Government would further establish, through the introduction of witness testimony and documentary evidence, [REDACTED] from BAILEY'S cellular telephone, that between on or about November 2019 and May 2021, BAILEY sought and obtained depictions of dozens of minors engaging in sexually explicit conduct using the same extortionate scheme he employed to obtain sexually explicit material from Victim 1. Among BAILEY'S other victims were a female born in December 2008 (Victim 4), a female born in April 2013 (Victim 5), a female born in April 2012 (Victim 6), and a female born in November 2011 (Victim 7).

Additionally and independently, the Government would introduce testimony and documentary evidence, [REDACTED] and financial records, that BAILEY offered to sell, and did in fact sell, the sexually explicit depictions of minors he received via his extortionate scheme to others. Typically, BAILEY charged approximately \$30 to sell a link containing such sexually explicit depictions of minors. Between about November 2019 and May 2021, BAILEY engaged in such distributive transactions dozens of times.

Further, the Government would present evidence that would establish that the images and videos depicting child sexual abuse material BAILEY obtained 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 sexual abuse material was manufactured and transported in interstate or foreign commerce.

[REDACTED]

[REDACTED]

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**.

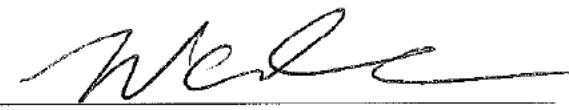
APPROVED AND ACCEPTED:



JAVAN DAMERIL BAILEY
Defendant

7/5/22

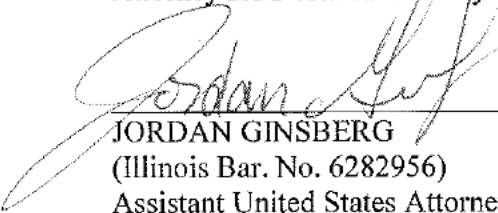
Date



WARNER BARTLETT THOMPSON
(Louisiana Bar No. 38914)
Attorney for Defendant Bailey

7/5/22

Date



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

7-7-22

Date