

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

UNITED STATES OF AMERICA

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CRIMINAL NO: 15-266

VERSUS

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SECTION: J

JOSEPH RIVERA

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FACTUAL BASIS

The defendant, **JOSEPH RIVERA** (hereinafter, the "defendant" or "**RIVERA**"), 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, **JOPSEPH RIVERA**, 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:

The Government would show that, at all times mentioned in the Indictment, the defendant, **RIVERA**, was a resident of the Eastern District of Louisiana and lived in New Orleans, Louisiana.

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

a website 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"). Specifically, between about January 30, 2015, and March 3, 2015, **RIVERA** 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 not fewer than 1538 times. On August 6, 2015, law enforcement officials executed a search warrant, based on probable cause, at **RIVERA'S** residence, located in New Orleans, Louisiana. FBI Special Agent Jamie Hall would testify that they recovered several electronic items, including two computers, two external digital storage devices, and two DVDs that were determined to contain images and videos depicting the sexual victimization of children during the execution of the search warrant.

The Government would further establish through testimony and forensic computer evidence that **RIVERA** knowingly used the computers and external hard drives to search for, download, and save images and videos depicting the sexual exploitation and victimization of children. Further, the evidence and testimony would establish that a computer forensic search of **RIVERA'S** seized computers and related evidence revealed not fewer than 6900 images and 885 videos depicting the sexual victimization of children.

Further, the Government would establish, through introducing the results of the computer forensic search, that **RIVERA** used the Internet to access websites and networks, including Website A, to download and view child pornography. **RIVERA** then stored the images and videos in folders created on his computer, external hard drives, and other loose storage media.

Special Agent Hall 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, that beginning not later than November 16, 2011, and continuing through March 3, 2015, **RIVERA** conducted searches via websites and networks utilizing the Internet devoted to the advertisement and distribution of child pornography and the discussion of matters pertinent to the sexual abuse of children, including on Website A. For example, **RIVERA** downloaded a video entitled "(Pthc) 2011 8yo girl with two men.avi" on a Seagate external hard drive. The 16 minute, 24 second video depicts two adult men sexually victimizing an approximately eight (8) year-old prepubescent white female, including by vaginally and anally penetrating her with fingers and a penis.

Forensic evidence consisting of medical testimony, testimony from law enforcement officers familiar with the victims, and supporting documentation would establish that some of the child victims depicted in the images and videos of **RIVERA'S** were of real, identifiable victims, less than the age of eighteen (18) years old. Specifically, many of the child victims depicted in the materials possessed and received by **RIVERA** were of prepubescent children as young as approximately one (1)-year old at the time the child pornography was created. All of the images depicting the sexual victimization of minors possessed by the defendant would be introduced through the testimony of Special Agents with the FBI. The testimony would further establish that the videos and images of the child victims depicted them engaging in "sexually explicit conduct," as defined in Title 18, United States Code, Section 2256.

Further, the Government would present evidence that would establish that the images of child pornography **RIVERA** received had been transported in interstate commerce via computer. The Government would also show 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, the Special Agents and forensic examiners from the Federal Bureau of Investigation, other witnesses, and documents and electronic devices in the possession of the FBI.

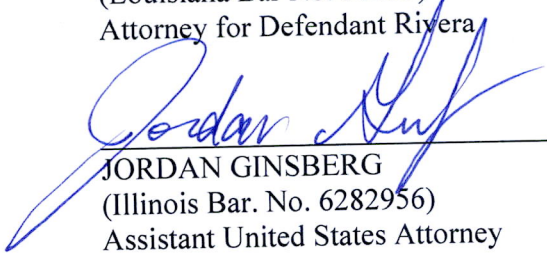
APPROVED AND ACCEPTED:

JOSEPH RIVERA
Defendant

Date

ELIZABETH B. CARPENTER, ESQ.
(Louisiana Bar No. 31653)
Attorney for Defendant Rivera

Date



JORDAN GINSBERG
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Assistant United States Attorney

Date

J. RYAN MCLAREN
(Louisiana Bar No. 36577)
Special Assistant United States Attorney

Date