

FILED

NOV 15 2017

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. ) NO.  
)  
DANIEL AVETTA, )  
aka "Jessica Gable," )  
)  
Defendant. )

**4:17CR00525 CDP/NCC**

**INDICTMENT**

**COUNT I**

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term:

- (a) "minor" to mean any person under the age of eighteen years (18 U.S.C. Section 2256(a));
- (b) "sexually explicit conduct" to mean actual or simulated
  - (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,
  - (ii) bestiality,
  - (iii) masturbation,
  - (iv) sadistic or masochistic abuse, or
  - (v) lascivious exhibition of the genitals or pubic area of any person (18

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    - (ii) bestiality,
    - (iii) masturbation,
    - (iv) sadistic or masochistic abuse, or
    - (v) lascivious exhibition of the genitals or pubic area of any person (18

U.S.C. Section 2256(2)(A)); and

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18

U.S.C. Section 2256(6));

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about January 1, 2017 and on or about April 3, 2017, in the Eastern District of Missouri, and elsewhere,

**DANIEL AVETTA,**

the Defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, E.B. to engage in sexually explicit conduct, specifically, Daniel Avetta persuaded E.B. to

produce images that depicted E.B. in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: images of E.B. in a lascivious display of his genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a cell telephone.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

## **COUNT II**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about January 1, 2017, and on or about April 3, 2017, in the Eastern District of Missouri, and elsewhere,

### **DANIEL AVETTA,**

the Defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, N.H. to engage in sexually explicit conduct, specifically, Daniel Avetta persuaded N.H. to produce images that depicted N.H. in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: images of N.H. in a lascivious display of his genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., a cell telephone.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

**COUNT III**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about February 1, 2017, and on or about April 2, 2017, in the Eastern District of Missouri, and elsewhere,

**DANIEL AVETTA,**

the Defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, B.S. to engage in sexually explicit conduct, specifically, Daniel Avetta persuaded B.S. to produce images that depicted B.S. in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: images of B.S. in a lascivious display of his genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., the internet and a cell telephone.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

**COUNT IV**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about February 1, 2017, and on or about April 2, 2017, in the Eastern District of Missouri, and elsewhere,

**DANIEL AVETTA,**

the Defendant herein, did knowingly employ, use, persuade, induce, entice, and coerce a minor, C.J. to engage in sexually explicit conduct, specifically, Daniel Avetta persuaded C.J. to produce images that depicted C.J. in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of producing a visual depiction of such conduct, to wit: images of C.J. in a lascivious display of his genitals, and such depictions were produced using materials that had been mailed, shipped, or transported in interstate and foreign commerce, i.e., the internet and a cell telephone.

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

#### **COUNT V**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about March 1, 2017, and on or about April 2, 2017, in the Eastern District of Missouri, and elsewhere,

#### **DANIEL AVETTA,**

the defendant herein, did use any facility and means of interstate commerce, and did knowingly persuade, induce, entice, and coerce K.P., a minor male under the age of eighteen years old, to engage in sexual activity for which any person can be charged with a criminal offense, to wit: the defendant, who was at least twenty-one years of age, and knowing K.P., was a minor male under the age of seventeen years old, did persuade, induce, entice, and coerce K.P. to have deviate sexual intercourse with him, in violation of Missouri Revised Statute, Section 566.064, and committed a substantial step therefore.

In violation of Title 18, United States Code, Section 2422(b).

**COUNT VI**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about January 1, 2015, and on or about April 2, 2017, in the Eastern District of Missouri, and elsewhere,

**DANIEL AVETTA,**

the defendant herein, did use any facility and means of interstate commerce, and did knowingly persuade, induce, entice, and coerce C.S., a minor male under the age of eighteen years old, to engage in sexual activity for which any person can be charged with a criminal offense, to wit: the defendant, who was at least twenty-one years of age, and knowing C.S., was a minor male under the age of seventeen years old, did persuade, induce, entice, and coerce C.S to have deviate sexual intercourse with him, in violation of Missouri Revised Statute, Section 566.064, and committed a substantial step therefore.

In violation of Title 18, United States Code, Section 2422(b).

**COUNT VII**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about January 1, 2017, and on or about April 2, 2017, in the Eastern

District of Missouri, and elsewhere,

**DANIEL AVETTA,**

the defendant herein, did knowingly receive image and a video of child pornography over the internet, a means or facility of interstate commerce, and these images and videos were visual depictions that involved the use of a minor K.P. engaging in sexually explicit conduct and such visual depictions were of a minor engaging in sexually explicit conduct, including but not limited to the following:

1. "received\_426524807689103.jpeg" - a graphic image file of a minor male, "K.P." in a lascivious display of his genitals;
2. "received\_433462496995334.jpeg" - a graphic image file of of a minor male, "K.P." in a lascivious display of his genitals;
3. "received\_433470180327899.jpeg" a graphic image file of of a minor male, "K.P." in a lascivious display of his genitals;
4. "received\_433501343658116.jpeg" - a graphic video file of a minor male, "K.P." in a lascivious display of his genitals.

In violation of Title 18, United States Code, Section 2252A(a)(2).

**COUNT VIII**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about January 1, 2017, and on or about April 4, 2017, in the Eastern District of Missouri, and elsewhere,



**DANIEL AVETTA,**

the defendant herein, did knowingly receive a video of child pornography over the internet, a means or facility of interstate commerce, and these images and videos were visual depictions that involved the use of a minor A.K. engaging in sexually explicit conduct and such visual depictions were of a minor engaging in sexually explicit conduct, including but not limited to the following:

1. "received\_1905154049766299.mp4" – a graphic video file of a minor male, "A.K." in a lascivious display of his genitals;
2. "received\_1905154826432888" – a graphic video file of a minor male, "A.K." in a lascivious display of his genitals.

In violation of Title 18, United States Code, Section 2252A(a)(2).

**COUNT IX**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about January 1, 2017, and on or about April 4, 2017, in the Eastern District of Missouri, and elsewhere,

**DANIEL AVETTA,**

the defendant herein, did knowingly receive a video of child pornography over the internet, a means or facility of interstate commerce, and these images and videos were visual depictions that involved the use of a minor E.M. engaging in sexually explicit conduct and such visual depictions were of a minor engaging in sexually explicit conduct, including but not limited to the following:

1. "received\_262224757570684.mp4" – a graphic video file of a minor male, "E.M." in a lascivious display of his genitals;
2. "received\_262227444237082" – a graphic video file of a minor male, "E.M." in a lascivious display of his genitals.

In violation of Title 18, United States Code, Section 2252A(a)(2).

**COUNT X**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. Between on or about February 1, 2017, and on or about April 3, 2017, in the Eastern District of Missouri, and elsewhere,

**DANIEL AVETTA,**

the defendant herein, did knowingly receive an image and a video of child pornography over the internet, a means or facility of interstate commerce, and these images and videos were visual depictions that involved the use of a minor C.J. engaging in sexually explicit conduct and such visual depictions were of a minor engaging in sexually explicit conduct, including but not limited to the following:

1. "received\_1731716707119269.mp4" – a graphic video file of a minor male, "C.J." in a lascivious display of his genitals;
2. "received\_1731706257120314.jpeg" – a graphic image file of a minor male, "C.J." in a lascivious display of his genitals;

3. "received\_1731701540454119.jpeg" – a graphic image file of a minor male, "C.J." in a lascivious display of his genitals.

In violation of Title 18, United States Code, Section 2252A(a)(2).

### **COUNT XI**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about February 1, 2017, and on or about April 3, 2017, in the Eastern District of Missouri, and elsewhere,

#### **DANIEL AVETTA,**

the defendant herein, did knowingly receive an image and a video of child pornography over the internet, a means or facility of interstate commerce, and these images and videos were visual depictions that involved the use of a minor J.K. engaging in sexually explicit conduct and such visual depictions were of a minor engaging in sexually explicit conduct, including but not limited to the following:

1. "received\_393443277673424.jpeg" – a graphic image file of a minor male, "J.K." in a lascivious display of his genitals;
2. "received\_400060537011698.mp4" – a graphic video file of a minor male, "J.K." in a lascivious display of his genitals.

In violation of Title 18, United States Code, Section 2252A(a)(2).

### **COUNT XII**

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about March 1, 2017, and on or about April 3, 2017, in the Eastern District of Missouri, and elsewhere,

**DANIEL AVETTA,**

the defendant herein, did knowingly receive an image and a video of child pornography over the internet, a means or facility of interstate commerce, and these images and videos were visual depictions that involved the use of a minor A.D. engaging in sexually explicit conduct and such visual depictions were of a minor engaging in sexually explicit conduct, including but not limited to the following:

1. "received\_649060505294801.jpeg" – a graphic image file of a minor male, "A.D." in a lascivious display of his genitals;
2. "received\_645488512318667..mp4" – a graphic video file of a minor male, "A.D." in a lascivious display of his genitals.

In violation of Title 18, United States Code, Section 2252A(a)(2).

A TRUE BILL.

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FOREPERSON

JEFFREY B. JENSEN  
United States Attorney

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COLLEEN C. LANG, #56872MO  
Assistant United States Attorney