

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 6:15-cr-165-Orl-40TBS

GREGORY A. VAUGHN

**NOTICE OF MAXIMUM PENALTY, ELEMENTS OF OFFENSE,  
PERSONALIZATION OF ELEMENTS AND FACTUAL BASIS**

**ESSENTIAL ELEMENTS**

The essential elements of Count One, a violation of Title 18, United States Code, Section 2422(b) (enticement of a minor), are as follows:

- First: The defendant knowingly persuaded, induced, or enticed a person to engage in sexual activity, as charged;
- Second: The defendant used the Internet and a computer, facilities of interstate commerce, as alleged in the Indictment, to do so;
- Third: When the defendant did these acts, the person named in the Indictment was less than 18 years old; and
- Fourth: One or more of the individual(s) engaging in the sexual activity could have been charged with a criminal offense, namely, production of child pornography.

The essential elements of Count Two, a violation of Title 18, United States Code, Section 2251(a) (production of child pornography), are as follows:

- First: An actual minor, that is, a real person who was less than 18 years old, was depicted;

Second: The defendant employed, used, persuaded, induced, enticed, or coerced the minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of the conduct; and,

Third: Either (a) the defendant knew or had reason to know that the visual depiction would be mailed or transported in interstate or foreign commerce; (b) the visual depiction was produced using materials that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer; or (c) the visual depiction was mailed or actually transported in interstate or foreign commerce.

The essential elements of Count Three, a violation of Title 18, United States Code, Section 2252A(a)(2)(B) (receipt of child pornography), are as follows:

First: That the defendant knowingly received items of child pornography;

Second: That the items of child pornography had been transported, shipped, or mailed in or affecting interstate or foreign commerce (including by computer); and

Third: That when the defendant received the items, the defendant believed the items contained child pornography.

#### PENALTY

Count One is punishable by a mandatory minimum term of imprisonment of 10 years up to life, a fine of not more than \$250,000, a term of supervised release of at least 5 years up to life, and a special assessment of \$100.

Count Two is punishable by a mandatory minimum term of imprisonment of 15 years up to 30 years, a fine of not more than \$250,000, a term of

supervised release of at least 5 years up to life, and a special assessment of \$100.

Count Three is punishable by a mandatory minimum term of imprisonment of 5 years up to 20 years, a fine of not more than \$250,000, a term of supervised release of at least 5 years up to life, and a special assessment of \$100.

Upon the defendant's conviction of the violation alleged in Count One of the Indictment, the defendant shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 2428, any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of the offense and any property, real or personal, constituting or derived from any proceeds obtained, directly or indirectly, as a result of the offense, namely, an Apple iphone4, model A1349, serial number c8tkjpdndpng, and an HP Pavilion desktop computer, model s3700y, serial number mxu90502c6.

Upon the defendant's conviction of the violation alleged in Count Two of the Indictment, the defendant shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 2253, all of his interest in any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of this chapter; any property, real or personal, constituting or traceable to gross profits

or other proceeds obtained from such offense; and any property, real or personal, used or intended to be used to commit or to promote the commission of such offense, including but not limited to an Apple iPhone4, model A1349, serial number c8tkjpdndpng, and an HP Pavilion desktop computer, model s3700y, serial number mxu90502c6.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

#### FACTUAL BASIS

On May 27, 2015, Seminole County Sheriff's Detective Daniel Bliss received a report from the Douglas County Sheriff's Office in Castle Rock, Colorado. The report detailed an online relationship VAUGHN held with a minor identified as "AK." On April 20, 2015, AK'S mother, "CW," reported to Deputy

Michael Widmer that AK had been on a social networking website called "deviantart" which CW observed on her computer's Internet history. CW informed Deputy Widmer that AK had been receiving packages in the mail from Xxxxx. CW asked AK who Xxxxx was and AK stated it was a fellow student of hers in Colorado that had moved to Florida.

On April 15, 2015, CW noticed AK'S Gmail account xxxxxxxx@gmail.com was open on her home computer. CW looked through the e-mails and discovered AK had been exchanging e-mails with a man named GREG VAUGHN with an e-mail address of yourxxxx@hotmail.com since 2014. CW looked through the e-mails and observed the e-mails were sexual in nature and contained nude pictures of AK and VAUGHN.

According to CW, the initial e-mails between AK and VAUGHN appeared to groom AK to send nude photographs. Additionally, CW discovered VAUGHN had offered to pay AK in exchange for nude photographs. Additionally, the e-mails talked about packages VAUGHN sent to AK. CW confronted AK about the e-mails and the packages. AK stated she had met VAUGHN on a website identified as deviantart.com. Approximately two years ago (2013), AK created an account on deviantart.com using the username of "xxxxxx." AK had not been active on deviantart.com for about six months. AK utilized CW'S home computer to access the site and met a man with the username "flatoxxxx" who was later identified as VAUGHN. AK and VAUGHN became friends and discussed AK'S

problems in life. The discussions eventually turned into "role play" stories that were sexual in nature.

During discussions with VAUGHN, VAUGHN informed AK that he was into photography. VAUGHN told AK she was pretty and had a nice body. At first, VAUGHN asked AK to send photographs of her in clothing; however, as time went on VAUGHN convinced AK to send nude photographs of herself. VAUGHN informed AK that he wanted to pay for the pictures and structured a pay chart for types of photographs AK would take and send to VAUGHN. VAUGHN sent AK money, books, candy, clothes, panties, and special effects makeup in the mail in exchange for the pictures AK sent to VAUGHN.

VAUGHN requested AK to masturbate and to "cum" into the panties VAUGHN mailed AK. VAUGHN then asked AK to send the panties back to VAUGHN. AK complied and mailed the panties to VAUGHN, who in return masturbated in the panties and mailed them back to AK. VAUGHN sent AK several nude photographs of himself and videos of him pretending to have sex with AK. AK and VAUGHN have "Skyped" on numerous occasions. AK has informed VAUGHN of her age and has seen AK on Skype several times. While "Skyping," AK and VAUGHN have masturbated together. AK called VAUGHN on his cellular telephone identified as 407-xxx-xxxx.

Douglas County Sheriff's Office Detective Shawn Cronic obtained a signed consent from CW to search AK'S cellular telephone. During the search of the telephone, Detective Cronic located a contact identified as GREG VAUGHN

in AK'S telephone contacts with a telephone number of 407-xxx-xxxx and an e-mail of yourxxxx@hotmail.com.

On May 11, 2015, Detective Cronic sent preservation letters to both Google Incorporated and Microsoft Incorporated for AK'S e-mail accounts xxxxxxxx@gmail.com, xxxx60@gmail.com, and yourxxxx@hotmail.com. Detective Cronic obtained state warrants for the content of the e-mails. Detective Cronic received the content from e-mail account xxxxxxxx@gmail.com. The content was provided to the Federal Bureau of Investigation.

A review of AK'S e-mail account xxxxxxxx@gmail.com was conducted. It revealed that on December 16, 2014, VAUGHN sent AK a picture of an erect penis being held by a right hand with a comment of "I don't know what I am going to do about this guy." Thereafter, on January 3, 2015, AK sent VAUGHN a total of nine photographs in various stages of undress.

On January 19, 2015, AK and VAUGHN sent several e-mails to each other. The following conversation took place:

1:01 p.m.	AK: "Ok, I'll probably shower and take some pictures for you."
1:02 p.m.	VAUGHN: "Cool thanks! I was just looking over the ones I have this morning!"
1:06 p.m.	AK: ":) I'm glad."
1:07 p.m.	VAUGHN: "Take some in those panties, could you please?"
1:09 p.m.	AK: "Of course.:)"
1:17 p.m.	VAUGHN: "Thank you! :)"

1:21 p.m. AK: "XD Dork"

1:22 p.m. VAUGHN: "Whose dork am I?"

1:23 p.m. AK: "Mine"

1:30 p.m. VAUGHN: "Yes!"

1:58 p.m. AK: "Will you come back soon."

2:17 p.m. VAUGHN: "I'm back. Driving though."

2:31 p.m. VAUGHN: "Do you like candy?"

2:34 p.m. AK: "Yes. A lot. XD"

2:37 p.m. AK: Sends eight photographs of her undressing down to her under garments.

2:38 p.m. VAUGHN: "Me too---plain M&M's and Junior Mints though. What about you?"

2:42 p.m. AK: "Oh boy. XD everything? Kit Kats, almond joys, sweet tarts, m&m's. Loads"

2:45 p.m. VAUGHN: "lol. I'm too picky, I guess!"

2:27 p.m. AK: "XD maybe. Hey Greg. There are more pictures that...I um...wanted to know if you wanted me to send them."

2:50 p.m. VAUGHN: "I'm just home now so I'm going to look at them, but yes, of course, send them. I'm paying you still, right?"

2:53 p.m. AK: "Yes I'm home alone. Um k. I'll send them. The last two you can put up on the website. XD they are kinda bad quality so you don't have to."

2:54 p.m. AK: Sends an up close picture of her vagina and three pictures of her in a bathing suit.

2:55 p.m. VAUGHN: "Oh wow! You look sooo good honey! Beautifully sexy! Those look great on you!"



2:56 p.m. VAUGHN: "Holy hotcakes! Those are wow...Wow. Thank you thank you!"

EXIF data from the image of AK'S vagina showed that it was taken by a cellular telephone camera with the same make and model as the cellular phone used to take other images which show AK'S face. These images were also e-mailed to VAUGHN. Based on the nature of the communications exchanged between VAUGHN and AK, and the content of the image of AK'S vagina, the agents believe said image constitutes child pornography.

On January 19, 2015, at approximately 12:55 p.m., e-mail user yourxxxx@gmail.com (VAUGHN) sent e-mail user xxxxxxxx@gmail.com (AK) a photograph of a horse in a stable. At approximately 12:57 p.m. e-mail user yourxxxx@gmail.com sent e-mail user xxxxxxxx@gmail.com an e-mail, "Xxxxx is done. I thought I'd send that in case anyone ever wants to see her. :) She's done. I haven't seen her in a couple of days so I'm taking her and Xxxxxx, her boyfriend, to lunch but it won't be long. She has to work later."

VAUGHN'S cellular telephone exam revealed that on January 19, 2015, at approximately 12:54 p.m., VAUGHN'S iPhone, the Apple iPhone4, model A1349, serial number c8tkjpdndpng, had a GPS location in the area of Wilingham Road and Heirloom Rose Place, Oviedo, Florida.

On June 12, 2015, VAUGHN was arrested at his residence located in Oviedo, Florida. VAUGHN was advised of his *Miranda* rights. VAUGHN acknowledged he understood his *Miranda* rights, waived his rights, and agreed to

speak with the interviewing agents. VAUGHN'S statement is summarized as follows: VAUGHN teaches advance placement psychology at Hagerty High School. VAUGHN'S nephew committed suicide. VAUGHN grieved the loss by taking an interest in photography. VAUGHN posted many of his pictures on an Internet website identified as deviantart.com. While on the website, a female later identified as AK messaged VAUGHN about his work. VAUGHN and AK continued to communicate with each other and a relationship developed.

VAUGHN and AK communicated frequently on the Internet and AK confided in VAUGHN about issues AK was having in her life. VAUGHN believed he could help AK by making AK feel good about her individuality. VAUGHN was asked by the interviewing agents if he knew how old AK was. VAUGHN stated he knew she was approximately 17 years old, but was not sure how old she was when the relationship started. VAUGHN was asked how he knew she was 17. VAUGHN replied that he asked AK how old she was and requested AK to send him a photograph of her so that he could confirm that he was not chatting with law enforcement. VAUGHN admitted he and AK participated in "role playing" through e-mails. Investigators asked about the sexual nature of the "role playing" and VAUGHN explained it was part of the therapy to make AK feel good about herself.

VAUGHN was asked if he ever had sent nude pictures of his penis to AK. VAUGHN initially denied sending any pictures of his penis to AK, but later acknowledged that a picture of his penis was sent to AK, but could not explain

why. VAUGHN told the interviewing investigators he has several students that confide in him and was counseling them with their problems in life. VAUGHN told the interviewing agents that law enforcement would never understand why he was assisting AK in the manner he was. The interviewing investigators confronted VAUGHN about his lack of truthfulness and presented VAUGHN with several instances in which VAUGHN sent nude photographs to AK and received nude photographs from AK.

Based on the investigation to this date, it is believed that all actions undertaken by AK as described herein occurred in Colorado.

VAUGHN'S cell phone and computer were searched pursuant to a state search warrant. The agents were able to recover child pornography images of AK and other children from VAUGHN'S HP Pavilion desktop computer, model s3700y, serial number mxu90502c6.

Furthermore, the agents interviewed another victim of VAUGHN, who was also groomed and enticed into producing child pornography.

Respectfully submitted,

A. LEE BENTLEY, III  
United States Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 22, 2015, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Maria Guzman  
Assistant Federal Defender

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