

FILED IN OPEN COURT
6-22-18
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 3:18-cr-53-J-39MCR

JEREMY SCOTT CLARK

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

The United States of America files this Notice of Maximum Penalties, Elements of Offense, Personalization of Elements and Factual Basis, stating as follows:

A. MINIMUM AND MAXIMUM PENALTIES

The defendant has expressed a desire to enter a plea of guilty to the offense charged in Count One of the indictment, that is, knowing transportation of child pornography in violation of 18 U.S.C. §§ 2252(a)(1) and 2252(b)(1).

Count One is punishable by a mandatory minimum term of imprisonment of not less than 5 years and not more than 20 years, a fine of \$250,000, a term of supervised release of not less than 5 years, or life, and a special assessment of \$100, said special assessment due on the date of sentencing. Pursuant to Title 18, United States Code, Section 3583(k), if the

defendant is required to register under the Sex Offender Registration and Notification Act and commits any criminal felony offense under Title 18, United States Code, Chapters 109A, 110 or 117, or Sections 1201 or 1591, the Court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment of not less than 5 years and up to life. Any other violation of the terms and conditions of supervised release is punishable by a term of imprisonment of up to 2 years. With respect to certain offenses, the Court shall order the defendant to make restitution to any victim of the offense(s), and with respect to other offenses, the Court may order the defendant to make restitution to any victim of the offense(s), or to the community, as set forth below.

Additionally, pursuant to 18 U.S.C. § 3014, the Court shall impose a \$5,000 special assessment on any non-indigent defendant convicted of an offense in violation of certain enumerated statutes involving: (1) peonage, slavery, and trafficking in persons; (2) sexual abuse; (3) sexual exploitation and other abuse of children; (4) transportation for illegal sexual activity; or (5) human smuggling in violation of the Immigration and Nationality Act (exempting any individual involved in the smuggling of an alien who is the alien's spouse, parent, son or daughter).

Additionally, the defendant must forfeit certain property, pursuant to 18 U.S.C. § 2253, as outlined in the Indictment. Specifically, an Apple iPhone 6, Model A1586, bearing IMEI 356981060711992, will be administratively forfeited by the Federal Bureau of Investigation.

B. ELEMENTS OF THE OFFENSE

The defendant acknowledges understanding the nature and elements of the offense with which defendant has been charged and to which defendant is pleading guilty. The elements of Count One are:

- First: That the defendant knowingly transported and aided and abetted the transportation of one or more matters that contained visual depictions;
- Second: That such visual depictions were transported using a means or facility of interstate and foreign commerce, that is, by computer via the internet;
- Third: That the production of such visual depictions involved the use of at least one minor child engaging in sexually explicit conduct;
- Fourth: That such visual depictions were of at least one minor child engaged in sexually explicit conduct;
- Fifth: That the defendant knew that at least one of the performers in such visual depictions was a minor child and knew that the visual depictions were of such a minor engaged in sexually explicit conduct.

C. PERSONALIZATION OF ELEMENTS

1. On or about February 22, 2018, in the Middle District of Florida and elsewhere, did you knowingly transport and aid and abet the transportation of one or more matters that contained visual depictions, that is, a link to an online computer hosting and storage account?

2. Do you admit that these visual depictions were transported using a facility of interstate and foreign commerce, that is, by computer via the internet?

3. Do you admit that the production of such visual depictions involved the use of minors engaging in sexually explicit conduct?

4. Do you admit that the visual depictions were of such minors engaging in sexually explicit conduct?

5. Do you admit that you knew that at least one of the performers in these visual depictions were minors and that you knew that the visual depictions were of such minors engaged in sexually explicit conduct?

D. FACTUAL BASIS

1. **Purpose**

The following facts are set forth to aid the Court in making an inquiry to satisfy it that there is a factual basis for the plea of guilty in accordance with Rule 11(f), Fed. R. Crim. P. The United States reserves its right to provide all

relevant information concerning the defendant and the offense committed to the Probation Office and the Court for sentencing purposes.

2. **Facts**

On February 22, 2018, an FBI agent was connected to the internet in an online undercover capacity using a computer located in Salt Lake City. While acting in an undercover capacity, this agent posted online bulletin messages on specific social media forums that are websites frequented by individuals who have a sexual interest in children and incest. The agent, while acting in an undercover capacity, would respond to certain messages and/or post messages on these public forums and provided his screen name on a particular messaging application for contact.

Also on February 22, 2018, at approximately 9:00 p.m, an individual with the username "LLCoolJack1973" using the screen name "Jack Crow" ("JACK"), later identified as defendant, Jeremy Scott Clark, answered the agent's post by sending a message to the agent. Subsequently, Clark and the agent engaged in online conversation over the messaging application. During this conversation and using the internet, Clark sent and transported to the agent a link to a particular online cloud storage account that contained several images depicting child pornography.

Records obtained from the messaging application company revealed that the user account, “LLCOOLJACK1973,” had associated with it an email address of “opie[redacted]1973@gmail.com” and a notation that the device associated with this account was an [Apple] iPhone. Records from the messaging application confirmed that the IP address used by “LLCOOLJACK1973” on February 22, 2018 was owned by a particular internet service provider (ISP). Subscriber information for this IP address resolved back to the account that provided service to Clark’s residence in Ponte Vedra, Florida.

On March 8, 2018, FBI agents and law enforcement personnel, executed a federal search warrant at Clark’s residence. Clark was at the residence. After a brief detention while the residence was cleared for safety, Clark was released and agreed to a consensual interview in which he provided the following information:

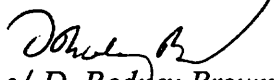
Clark had rented and lived in this residence for four years, and he was a teacher at a high school in Jacksonville. He acknowledged that his internet service was provided by Comcast and that his wireless router was password protected. Clark acknowledged that one of his old nicknames was “Opie.” A short time later, the interview was concluded.

During the search of the residence, agents recovered certain items that were shown in the background of a pornographic image that Clark had sent to the undercover FBI agent on February 22, 2018, including a bed comforter and a dish towel, both of which bore distinctive patterns.

FBI agents obtained Clark's Apple iPhone 6 device. Forensic examination of this device revealed that it was named "Jeremy's iPhone." The device contained, among things, the messaging application used by Clark to send and transport child pornography to the undercover agent. The user name for this application on the iPhone was "LLCoolJack1973" with account name "Jack Crow." This device also contained a log of the online conversation between Clark and the undercover agent, as well as the link that contained the child-pornographic images sent by Clark to the agent.

Respectfully submitted,

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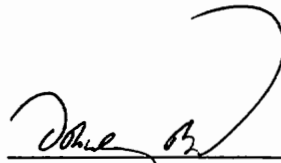
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CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2018, the foregoing document was filed in open court and a copy was hand delivered to the following:

Susan G. Yazgi, Esq.
Assistant Federal Public Defender



D. RODNEY BROWN
Assistant United States Attorney