

FILED IN OPEN COURT  
9.25.2020  
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. 3:19-cr-156(S1)-J-39MCR

JASON BRIAN GOFF

**PLEA AGREEMENT**

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by Maria Chapa Lopez, United States Attorney for the Middle District of Florida, and the defendant, Jason Brian Goff, and the attorney for the defendant, Paul Shorstein, mutually agree as follows

A. Particularized Terms

1. Count Pleading To

The defendant shall enter a plea of guilty to Count One of the Superseding Indictment, which charges the defendant with attempted production of child pornography, in violation of 18 U.S.C. § 2251(a) and (e).

2. Minimum and Maximum Penalties

Count One is punishable by a mandatory minimum term of imprisonment of not less than 15 years and not more than 30 years, a fine of not more than \$250,000, or both imprisonment and a fine, a term of supervised

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AF Approval BJ

release of any term of years not less than 5, and up to life, and a special assessment of \$100, said special assessment to be due on the date of sentencing.

Pursuant to 18 U.S.C. § 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, Chapter 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 3 years. With respect to this offense and pursuant to 18 U.S.C. §§ 2259, 3663A and/or 3664, 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. Pursuant to 18 U.S.C. § 2259, if the Court orders restitution, the mandatory minimum amount must not be less than \$3,000 per victim.

Additionally, pursuant to 18 U.S.C. § 2259A, the Court shall impose a special assessment of up to \$50,000 on any defendant convicted of a child pornography production offense.

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In addition, 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).

3. 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 of the Superseding Indictment are:

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

Second: The defendant intended to employ, use, entice, and coerce at least one minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of the conduct;

Third: The visual depiction was produced using materials that had been mailed, shipped, and transported interstate and foreign commerce by any means; and

Fourth: That the defendant engaged in conduct that constituted substantial steps toward the commission

of the crimes and that strongly corroborates the defendant's criminal intent.

4. Count Dismissed

At the time of sentencing, the remaining counts against the defendant, Counts Two and Three of the Superseding Indictment and the original Indictment, will be dismissed pursuant to Fed. R. Crim. P. 11(c)(1)(A).

5. Restitution to Any Minor Victims of Offenses Committed by Defendant, Whether Charged or Uncharged

Pursuant to 18 U.S.C. §§ 3663(a)(3), 3663A(a) & (b), 18 U.S.C. § 3664, 18 U.S.C. § 2248, and 18 U.S.C. § 2259, the defendant agrees to make full restitution to all minor victims of his offenses as to the counts charged. Further, the defendant agrees to pay restitution to any of his minor victims, for the entire scope of his criminal conduct, including but not limited to all matters included as relevant conduct. The defendant acknowledges and agrees that this criminal conduct (or relevant conduct) includes any minor victim of any child pornography offenses, charged or uncharged, under Chapter 110, United States Code, and any minor victim of any violation of federal and/or state law committed by the defendant, including any contact sexual offense. Further, pursuant to 18 U.S.C. § 3664(d)(5), the defendant agrees not to oppose bifurcation of the sentencing hearing if the victims' losses are not ascertainable

prior to sentencing. Pursuant to 18 U.S.C. § 2259, if the Court orders restitution, the mandatory minimum amount must not be less than \$3,000 per victim.

6. Sex Offender Registration and Notification

The defendant has been advised and understands, that under the Sex Offender Registration and Notification Act, a federal law, the defendant must register and keep the registration current in each of the following jurisdictions: the location of the defendant's residence, the location of the defendant's employment; and, if the defendant is a student, the location of the defendant's school. Registration will require that the defendant provide information that includes name, residence address, and the names and addresses of any places at which the defendant is or will be an employee or a student. The defendant understands that he must update his registrations not later than three business days after any change of name, residence, employment, or student status. The defendant understands that failure to comply with these obligations subjects the defendant to prosecution for failure to register under federal law, 18 U.S.C. § 2250, which is punishable by a fine or imprisonment, or both.

7. Acceptance of Responsibility - Three Levels

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted,

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the United States will recommend to the Court that the defendant receive a two-level downward adjustment for acceptance of responsibility, pursuant to USSG §3E1.1(a). The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

Further, at the time of sentencing, if the defendant's offense level prior to operation of subsection (a) is level 16 or greater, and if the defendant complies with the provisions of USSG §3E1.1(b) and all terms of this Plea Agreement, including but not limited to, the timely submission of the financial affidavit referenced in Paragraph B.5., the United States agrees to file a motion pursuant to USSG §3E1.1(b) for a downward adjustment of one additional level. The defendant understands that the determination as to whether the defendant has qualified for a downward adjustment of a third level for acceptance of responsibility rests solely with the United States Attorney for the Middle District of Florida, and the defendant agrees that the defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

8. Guidelines Sentence

Pursuant to Fed. R. Crim. P. 11(c)(1)(B), the United States will recommend to the Court that the defendant be sentenced within the defendant's

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applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines, as adjusted by any departure the United States has agreed to recommend in this plea agreement. The parties understand that such a recommendation is not binding on the Court and that, if it is not accepted by this Court, neither the United States nor the defendant will be allowed to withdraw from the plea agreement, and the defendant will not be allowed to withdraw from the plea of guilty.

9. Forfeiture of Assets

The defendant agrees to forfeit to the United States immediately and voluntarily any and all assets and property, or portions thereof, subject to forfeiture, pursuant to 18 U.S.C. § 2253, whether in the possession or control of the United States, the defendant or defendant's nominees.

On February 24, 2020, the U.S. Department of Homeland Security, U.S. Customs and Border Protection, completed an administrative forfeiture of a Samsung Galaxy SIII smart phone, which it alleges was used to during the commission of the offense charged in Count One.

The defendant did not contest the administrative forfeiture of these assets and expressly waives any right he may have to challenge such forfeiture.

The defendant also hereby agrees that the forfeiture described herein is not excessive and, in any event, the defendant waives any constitutional claims that the defendant may have that the forfeiture constitutes an excessive fine. Forfeiture of the defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty this Court may impose upon the defendant in addition to forfeiture.

B. Standard Terms and Conditions

1. Restitution, Special Assessment and Fine

The defendant understands and agrees that the Court, in addition to or in lieu of any other penalty, shall order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663A, for all offenses described in 18 U.S.C. § 3663A(c)(1); and the Court may order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663, including restitution as to all counts charged, whether or not the defendant enters a plea of guilty to such counts, and whether or not such counts are dismissed pursuant to this agreement. The defendant further understands that compliance with any restitution payment plan imposed by the Court in no way precludes the United States from simultaneously pursuing other statutory remedies for collecting restitution (28 U.S.C. § 3003(b)(2)), including, but not



limited to, garnishment and execution, pursuant to the Mandatory Victims Restitution Act, in order to ensure that the defendant's restitution obligation is satisfied.

On each count to which a plea of guilty is entered, the Court shall impose a special assessment pursuant to 18 U.S.C. §§ 3013 and 2259 as discussed more fully above. The special assessment is due on the date of sentencing. The defendant understands that this agreement imposes no limitation as to fine.

2. Supervised Release

The defendant understands that the offense to which the defendant is pleading provides for imposition of a term of supervised release upon release from imprisonment, and that, if the defendant should violate the conditions of release, the defendant would be subject to a further term of imprisonment.

3. Immigration Consequences of Pleading Guilty

The defendant has been advised and understands that, upon conviction, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

4. Sentencing Information

The United States reserves its right and obligation to report to the Court and the United States Probation Office all information concerning the

background, character, and conduct of the defendant, to provide relevant factual information, including the totality of the defendant's criminal activities, if any, not limited to the count to which defendant pleads, to respond to comments made by the defendant or defendant's counsel, and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject to any limitations set forth herein, if any.

5. Financial Disclosures

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P. 32(d)(2)(A)(ii), the defendant agrees to complete and submit to the United States Attorney's Office within 30 days of execution of this agreement an affidavit reflecting the defendant's financial condition. The defendant promises that his financial statement and disclosures will be complete, accurate and truthful and will include all assets in which he has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, dependent, nominee or other third party. The defendant further agrees to execute any documents requested by the United States needed to obtain from any third parties any records of assets owned by the defendant, directly or through a nominee, and, by the execution of this Plea Agreement, consents to the release of the defendant's tax returns for the previous five years. The

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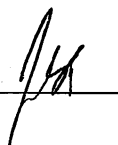


defendant similarly agrees and authorizes the United States Attorney's Office to provide to, and obtain from, the United States Probation Office, the financial affidavit, any of the defendant's federal, state, and local tax returns, bank records and any other financial information concerning the defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court. The defendant expressly authorizes the United States Attorney's Office to obtain current credit reports in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

6. Sentencing Recommendations

It is understood by the parties that the Court is neither a party to nor bound by this agreement. The Court may accept or reject the agreement, or defer a decision until it has had an opportunity to consider the presentence report prepared by the United States Probation Office. The defendant understands and acknowledges that, although the parties are permitted to make recommendations and present arguments to the Court, the sentence will be determined solely by the Court, with the assistance of the United States Probation Office. Defendant further understands and acknowledges that any discussions between defendant or defendant's attorney and the attorney or other agents for the government regarding any recommendations by the government

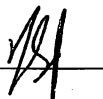
Defendant's Initials

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are not binding on the Court and that, should any recommendations be rejected, defendant will not be permitted to withdraw defendant's plea pursuant to this plea agreement. The government expressly reserves the right to support and defend any decision that the Court may make with regard to the defendant's sentence, whether or not such decision is consistent with the government's recommendations contained herein.

7. Defendant's Waiver of Right to Appeal the Sentence

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the right to appeal defendant's sentence on any ground, including the ground that the Court erred in determining the applicable guidelines range pursuant to the United States Sentencing Guidelines, except (a) the ground that the sentence exceeds the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines; (b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution; provided, however, that if the government exercises its right to appeal the sentence imposed, as authorized by 18 U.S.C. § 3742(b), then the defendant is released from his waiver and may appeal the sentence as authorized by 18 U.S.C. § 3742(a).



8. Middle District of Florida Agreement

It is further understood that this agreement is limited to the Office of the United States Attorney for the Middle District of Florida and cannot bind other federal, state, or local prosecuting authorities, although this office will bring defendant's cooperation, if any, to the attention of other prosecuting officers or others, if requested.

9. Filing of Agreement

This agreement shall be presented to the Court, in open court or in camera, in whole or in part, upon a showing of good cause, and filed in this cause, at the time of defendant's entry of a plea of guilty pursuant hereto.

10. Voluntariness

The defendant acknowledges that defendant is entering into this agreement and is pleading guilty freely and voluntarily without reliance upon any discussions between the attorney for the government and the defendant and defendant's attorney and without promise of benefit of any kind (other than the concessions contained herein), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges defendant's understanding of the nature of the offense or offenses to which defendant is pleading guilty and the elements thereof, including the penalties provided by

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law, and defendant's complete satisfaction with the representation and advice received from defendant's undersigned counsel (if any). The defendant also understands that defendant has the right to plead not guilty or to persist in that plea if it has already been made, and that defendant has the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against defendant, the right against compulsory self-incrimination, and the right to compulsory process for the attendance of witnesses to testify in defendant's defense; but, by pleading guilty, defendant waives or gives up those rights and there will be no trial. The defendant further understands that if defendant pleads guilty, the Court may ask defendant questions about the offense or offenses to which defendant pleaded, and if defendant answers those questions under oath, on the record, and in the presence of counsel (if any), defendant's answers may later be used against defendant in a prosecution for perjury or false statement. The defendant also understands that defendant will be adjudicated guilty of the offenses to which defendant has pleaded and, if any of such offenses are felonies, may thereby be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

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11. Factual Basis

Defendant is pleading guilty because defendant is in fact guilty. The defendant certifies that defendant does hereby admit that the facts set forth in the attached "Factual Basis," which is incorporated herein by reference, are true, and were this case to go to trial, the United States would be able to prove those specific facts and others beyond a reasonable doubt.

12. Entire Agreement

This plea agreement constitutes the entire agreement between the government and the defendant with respect to the aforementioned guilty plea and no other promises, agreements, or representations exist or have been made to the defendant or defendant's attorney with regard to such guilty plea.

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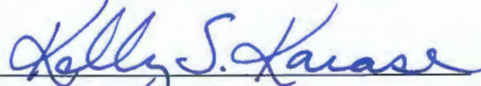
13. Certification

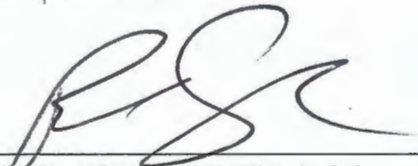
The defendant and defendant's counsel certify that this plea agreement has been read in its entirety by (or has been read to) the defendant and that defendant fully understands its terms.

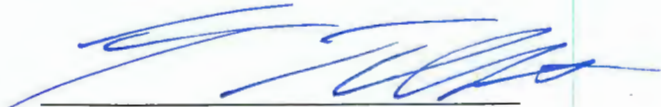
DATED this 23 day of September, 2020.

  
\_\_\_\_\_  
JASON BRIAN GOFF  
Defendant

MARIA CHAPA LOPEZ  
United States Attorney

  
\_\_\_\_\_  
KELLY S. KARASE  
Assistant United States Attorney

  
\_\_\_\_\_  
PAUL SHORSTEIN, ESQ.  
Attorney for Defendant

  
\_\_\_\_\_  
FRANK TALBOT  
Assistant United States Attorney  
Chief, Jacksonville Division

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

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CASE NO. 3:19-cr-156(S1)-J-39MCR

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**PERSONALIZATION OF ELEMENTS**

1. Do you admit that an actual minor, that is, a real person who was less than 18 years old, was depicted?

2. Between on or about August 13 through on or about August 22, 2019, in the Middle District of Florida, and elsewhere, did you intend to employ, use, entice, and coerce at least one minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of the conduct?

3. Do you admit that the visual depiction was produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, that is the Samsung Galaxy SIII telephone was manufactured in China?

4. Do you admit that you engaged in conduct which constituted substantial steps toward the commission of the crime and which strongly corroborate your criminal intent, that is, among other things, you used your Samsung Galaxy SIII cellular telephone to surreptitiously record high school

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age girls, including girls ages 14-17 years old, while they were nude and partially nude in the Clay High School girls locker room; you moved your Samsung Galaxy SIII cellular telephone to different locations inside the locker room to obtain different angles and views of the nude and partially nude high school girls; and you took steps to hide your Samsung Galaxy SIII cellular telephone from discovery by the high school girls or Clay High staff?

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
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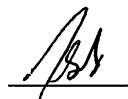
JASON BRIAN GOFF

**FACTUAL BASIS**

On August 22, 2019, two 14-year-old girls reported to a Clay High gym coach that they had seen what they believe is a camera lens concealed within a locked gym locker in the girls' locker room. This coach notified the vice-principal and school resource officer, who both proceeded to the locker and unlocked the locker. Inside they found a Samsung Galaxy SIII smart phone taped to the side wall with athletic tape, positioned so that the lens was pointed out of a pre-fabricated hole in the end locker. The Samsung phone was manufactured in China and thus necessarily traveled in foreign commerce.

Homeland Security Investigations ("HSI") obtained a federal search warrant to search the Samsung phone. A search of the phone yielded a video file, lasting 30 minutes, that was filmed from what was later discovered to be inside the female soccer coach's office adjacent to the locker room, where there is a window, covered with contact paper, looking into the girls' locker room. An onsite inspection revealed a small triangular-shaped hole that had been cut

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in the contact paper cover that appeared to be the exact angle used to film the video found on the Samsung phone. The video shows a girl, later determined to be 15-years-old, bending over without shorts on so that her bare buttocks are in view of the camera. At the end of the 30-minute video, the cell phone appears to be moved and the camera pans down to show a Clay County I.D. depicting the photograph of Defendant Goff, wearing a bright orange shirt. Text messages were also recovered from the phone that were between the cell phone number Goff uses and the cell phone number his wife uses. There were also selfie photographs of Goff on the Samsung phone.

On September 13, 2019, HSI and Clay County Sheriff's Office executed a federal arrest warrant at Goff's residence. After being advised of his *Miranda* rights, Goff consented to an interview, which was recorded. Goff acknowledged being employed at Clay High since July 2018 and that he works the hours of 12 pm – 8 pm. He stated he has a laptop/desktop that is the computer he uses and consented to the search of it. When asked about his phones, he said he has a Samsung Galaxy VII but that he also had a Galaxy III he kept at the school (Clay High). He said he used it to play games when he was charging his other phone and that he used to keep it in the custodial closet by the boys' locker room. He claimed not to know where it is now though and that he hasn't seen it lately.

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At this point of the interview, the HSI agent explained to Goff what they had found and what they know he did and asked him why he did this. Goff answered, "I don't know." He then said he had deleted the videos off the phone and that the time the phone was found in the locker was the third time that he had moved the phone. He described that he used white athletic tape to adhere the phone to the side of the locker the third time. With respect to the phone in the locker, he later said he was not sure how he was going to get the phone to turn on though as he "didn't think about it." He said he had held the phone up in Coach Waugh's office on another occasion. He said that he propped the phone up on a frame she had in her office to film. He later admitted that he was in the office during the filming but then said he put the phone up, hit record and then left for the gym, only to return later. When asked why he recorded these girls, he said, "Because its stupid." When asked if it was sexually arousing to him, he paused and said, "well not young girls in particular." He claimed that it was not sexually arousing but "more of a danger kind of thing." He tried on two separate occasions to film from Coach Waugh's office. He acknowledged that he understood he was doing something illegal and that he was "trying to get a thrill out of this." He said he did not know exactly what he was expecting to see. He also said that it was more of an "anticipation thing." When asked if he got erect while watching the videos, he said, "no because I don't really.

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Because of the diabetes, you don't have the sensation in the extremities so getting to that state is not easy." At the end, he stated, "I just fucked up my entire life for something stupid."

Agents collected several electronic devices from Goff's residence. Agents found images and videos depicting child sexual abuse on a San Disk Cruzer thumb drive, an Asus desktop computer, and on the micro SD card inserted into his Samsung Galaxy VII phone.

Included among his collection of child pornography, on the San Disk Cruzer thumb drive, HSI discovered the following files, among others:

A video that is approximately 8 minutes and 52 seconds long depicting a prepubescent female child lying on a bed on her back with her legs in the air and spread apart. An erect penis is anally penetrating the child for almost the entirety of the video. The child is clearly prepubescent due to the lack of breast development, lack of pubic hair, child-like size of her pelvic region and extremities, and child-like facial features.

An image is split and depicts one image on each side. The left side of the image depicts a female infant sitting on a woman's lap. The infant is wearing a pink overall type dress and the dress is raised up above her waist exposing her bare vagina and legs. The infant is being vaginally penetrated by what appears to be an adult's pinky finger. It is clear the female child is an infant due to the obvious small size and features of the child. The right side of the image depicts what appears to be the same infant sitting on the lap of an adult male's erect penis and facing the camera. The infant's legs are spread and her bare vagina is exposed, showing what appears to be semen on the infant's vaginal region and on the adult male's penis. The image is directly focused on the infant's bare vagina and the adult male's erect penis.

Included among his collection of child pornography, on the Asus desktop computer, HSI discovered the following files, among others:

An image in collage format that contains nine different images of a prepubescent female child on a bed. In five of the nine images, the child's bare vagina and anus are exposed. In four of those five images, the female child is bending over, exposing her bare vagina and anus. In one of those four, the child has what appears to be a marker in contact with her vagina. In the fifth image, the child is on her back with her legs in the air and spread apart, thereby exposing her bare vagina and anus. In three other images, the child is posing in a sexually suggestive manner. It is clear the child is prepubescent due to the lack of breast development, lack of pubic hair, child-like extremities, and her child-like facial features.

An image depicting a prepubescent female child lying on her back. An adult male is holding the child's feet at her ankles with his left hand. The child's pants and underwear are pulled down and the adult male, using his right hand, is holding his erect penis in contact with the child's bare vagina. It is clear the child is prepubescent due to the lack of breast development, lack of pubic hair, child-like extremities, and her child-like facial features.

In addition, when reviewing the contents of the micro SD card contained within Goff's Samsung VII phone, HSI discovered several images depicting a completely nude post-pubescent child, standing in front of a row of lockers holding a towel and a cellular telephone, appearing as though she had just showered. The images appear to have been cropped or zoomed in to focus on the body of the child and depict the pubic area of the child. The lockers visible in the background of the photographs appeared to match the lockers from the Clay High girls' locker room. HSI, along with Clay County Sheriff's Office, was

able to identify the child depicted and confirmed that the child graduated from Clay High in May 2019 at the age of 17. At the time the photographs were taken, the child was either 16 or 17 years old.

Goff used the San Disk Cruzer thumb drive and the Asus desktop computer to view his collection of visual depictions of minors engaging in sexually explicit conduct. He used his Samsung telephones to attempt to produce visual depictions of minors engaging in sexually explicit conduct, that is lascivious exhibition of the anus, genitals, or pubic area of minors.