

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 5:16-cr-15-Oc-10PRL

WILLIAM EDWARD SPENCER

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

The United States of America, by A. Lee Bentley, III, United States Attorney for the Middle District of Florida, through the undersigned Assistant United States Attorney, files this notice with regard to the anticipated change of plea in the above-captioned case:

**NATURE OF THE CHARGE**

The defendant, William Edwards Spencer (Spencer), is charged in a one-count indictment with the offense of Possession of Child Pornography, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

**ESSENTIAL ELEMENTS**

The essential elements of the offense charged are as follows:

- First:** The Defendant knowingly possessed items of child pornography depicting a prepubescent minor who had not attained 12 years of age;
- Second:** The items of child pornography had been transported, including by computer, using a means and facility of interstate commerce, or had been transported in or affecting interstate or foreign commerce;

Third: When the defendant possessed the items, the Defendant believed the items were or contained child pornography.

#### MAXIMUM PENALTIES

The maximum penalties for the offense charged in Count One of the indictment are not more than 20 years' imprisonment; a term of supervised release of at least 5 years up to life; not more than a \$250,000 fine; and a \$100 special monetary assessment. The Court can also order restitution to any victim of the offense or forfeiture of the assets, as described below.

Pursuant to 18 U.S.C. § 2259, defendant agrees to make restitution to known victims of the offense for the full amount of the victims' losses as determined by the Court. 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.

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).

### IMMIGRATION CONSEQUENCES

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.

### FORFEITURE

Pursuant to Title 18, United States Code, Section 2253, upon conviction of an offense in violation of Title 18, United States Code, Section 2252, the defendant shall forfeit to the United States of America, any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, and/or 2260, 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 Chapter 110, United States Code; 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 the offenses. The property to be forfeited includes, but is not limited to, a Dell laptop computer with serial number 7N9JCB1; a NexStar C brand USB external hard drive; and an ADATA 32GB USB thumb drive.

### FACTUAL BASIS

On March 10, 2016, a Federal Bureau of Investigation (FBI) Task Force Officer (TFO) in Dallas, Texas, operating in an undercover capacity, managed to download several items of child pornography from an Internet Protocol (IP)

address belonging to William Edward Spencer (Spencer). The computer assigned to the IP address also belonged to William Edward Spencer, who lived alone in a single-family home in Yalaha, Lake County, Florida, within the Middle District of Florida.

FBI agents obtained a federal search warrant for Spencer's residence in Yalaha and executed the warrant on April 28, 2016. Spencer was present at the home during the search. Agents seized multiple electronic devices, including a laptop computer, a USB memory stick (or "thumb drive"), and both internal and external hard drives.

Spencer admitted to receiving and distributing child pornography over the Internet using computer software known as BitTorrent/Vuze. He told agents that he understood that he was distributing child pornography files to others as he downloaded them himself as long as he used Vuze. He also told officers that his laptop computer, as well as an attached external hard drive and thumb drive, would contain child pornography.

The electronic devices seized from Spencer during the search of his home contained 2,051 still image files of child pornography and 193 video files of child pornography. Many of the images and videos involved sexual acts perpetrated against infants and toddlers or prepubescent minors who had not yet attained twelve years of age. Some of the images and videos depicted sadistic or masochistic conduct.

PERSONALIZATION OF THE ELEMENTS

Do you admit that, on or about April 28, 2016, within the Middle District of Florida, you knowingly possessed items of child pornography depicting a prepubescent minor who had not attained 12 years of age?

Do you admit that the items of child pornography had been transported using a means and facility of interstate commerce, namely, a computer?

Do you admit that when you possessed the items, you knew or believed the items were or contained child pornography?

Respectfully submitted,

A. LEE BENTLEY, III  
United States Attorney

By: s/ William S. Hamilton  
WILLIAM S. HAMILTON  
Assistant United States Attorney  
Florida Bar No. 95045  
35 SE 1st Avenue, Suite 300  
Ocala, Florida 34471  
Telephone: (352) 547-3600  
Facsimile: (352) 547-3623  
E-mail : william.s.hamilton@usdoj.gov

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 7, 2016, 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:

Mary Mills, Esquire

*s/ William S. Hamilton*

WILLIAM S. HAMILTON

Assistant United States Attorney

Florida Bar No. 95045

35 SE 1st Avenue, Suite 300

Ocala, Florida 34471

Telephone: (352) 547-3600

Facsimile: (352) 547-3623

E-mail: [william.s.hamilton@usdoj.gov](mailto:william.s.hamilton@usdoj.gov)