

**FILED IN OPEN COURT**  
JACKSONVILLE, FLORIDA

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

8/17/16

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 3:15-cr-192-J-34PDB

MICHAEL RAY ENZOR

**PLEA AGREEMENT**

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by A. Lee Bentley, III, United States Attorney for the Middle District of Florida, and the defendant, MICHAEL RAY ENZOR, and the attorney for the defendant, Lisa Call, Esq., mutually agree as follows:

**A. Particularized Terms**

**1. Count(s) Pleading To**

The defendant shall enter a plea of guilty to Count One of the Indictment. Count One charges the defendant with transportation of child pornography and aiding and abetting the transportation of child pornography, in violation of 18 U.S.C. § 2252(a)(1), 2 and 2252(b)(1).

**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 40 years, a fine of \$250,000, or both, a term of supervised release of not less than 5 years, or life, and a special assessment of \$100, said special assessment to be due on the

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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 <sup>3 yr ME KC</sup> 7 years. With respect to this offense and pursuant to Title 18, United States Code, Sections 2259, 3663A and/or 3664, the Court shall order the defendant to make restitution to any victim of the offense, 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.

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 are:

- First: That the defendant knowingly transported and shipped visual depictions;
- Second: That these visual depictions were shipped or transported in or affecting interstate or foreign commerce;
- Third: That the production of such visual depictions each 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 depiction was of such a minor engaged in sexually explicit conduct.

4. **Counts Dismissed**

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

5. **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, 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.4., 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.

6. **Prior Conviction Relating to Sexual Abuse of Minor**

The defendant acknowledges that on or about May 8, 2007, he was convicted of attempted capital sexual battery on a person less than 12 years of age, a first degree felony, in violation of the laws of the state of Florida, in the Circuit Court of the Fourth Judicial Circuit in and for Duval County, Florida, in Case No. 16-2005-CF-17557-AXXX-MA, and further that such prior conviction relates to sexual abuse of a minor. Therefore, the defendant acknowledges that he is subject to the enhanced penalties as set forth in paragraph A.2 above pursuant to 18 U.S.C. § 2252(b)(1).

7. **Forfeiture of Assets**

On September 30, 2015, the U.S. Department of Homeland Security, U.S. Customs and Border Protection, completed an administrative forfeiture of the following assets:

- a. a Samsung SM G730A, with a Kingston SD 16 GM memory card; and
- b. an Alcatel Phone.

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.

8. **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.

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**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 (18 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, which is due at sentencing, in the amount of \$100.00, payable to "Clerk, U.S. District Court." The defendant understands that this agreement imposes no limitation as to fine.

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**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 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 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

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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

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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 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

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the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

**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.

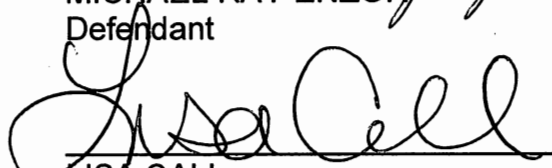
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**13. Certification**

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 the defendant fully understands its terms.


DATED this 4<sup>th</sup> day of August, 2016.

  
MICHAEL RAY ENZOR  
Defendant

  
LISA CALL  
Attorney for Defendant

A. LEE BENTLEY, III  
United States Attorney

  
KELLY S. KARASE  
Assistant United States Attorney

  
JULIE HACKENBERRY  
Assistant United States Attorney  
Chief, Jacksonville Division

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 3:15-cr-192-J-34PDB

MICHAEL RAY ENZOR

**PERSONALIZATION OF ELEMENTS**

1. Beginning on or about October 11, 2014, at approximately 1:35 pm (GMT) and continuing through on or about October 15, 2014, in Duval County, in the Middle District of Florida, and elsewhere, did you knowingly transport and ship and aid and abet the transportation and shipment of a link to a digital file that contained a visual depiction, which was the digital file name "03-10-2014 16 35 56.jpg"?

2. Do you admit that you transported and shipped this visual depiction in interstate and foreign commerce by computer via the Internet?

3. Do you admit that the production of such visual depictions involved the use of minor children engaging in sexually explicit conduct, including, among other things, the lascivious exhibition of the genitalia of a minor female?

4. Do you admit that the visual depiction was of a minor engaging in sexually explicit conduct?

5. Do you admit that you knew that at least one of the performers

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in the visual depiction was a minor and that you knew that the visual depiction was of such minor engaged in sexually explicit conduct?

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UNITED STATES DISTRICT COURT  
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JACKSONVILLE DIVISION

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v.

CASE NO. 3:15-cr-192-J-34PDB

MICHAEL RAY ENZOR

**FACTUAL BASIS**

On or about May 8, 2007, defendant Michael Ray Enzor was convicted of attempted capital sexual battery on a child less than 12 years of age, a first degree felony under Florida law, in the Circuit Court of the Fourth Judicial Circuit in and for Duval County, Florida, in Case No. 16-2005-CF-17557-AXXX-MA, which related to the sexual abuse of a minor.

On or about October 15, 2014, a detective with the York Regional Police, in Ontario, Canada, was conducting an investigation into individuals in chatrooms on the website Chatzy.com called "girls/boys" and "GIRLS ONLY NO BOYS." The detective observed a user with username "hitler" logged in on October 11, 2014, at 01:23 am (GMT) and who had posted four URLs that were Dropbox links in a chatroom called "girls/boys." The email address enzor82@yahoo.com was used to establish the Chatzy username "hitler." Each of the four links led to files of child pornography. The detective also observed the username "hitler" logged in on October 11, 2014 at 1:35 pm (GMT) and posted three URLs that were Dropbox links in the Chatzy chatroom "GIRLS ONLY NO BOYS," each of

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which led to files of child pornography. Among the links was <https://www.dropbox.com/sh/y05bw8h4a7r2vbf/AAAKilcshWqIbW5TtS9MZ6YOa>, which led to the image file "03-10-2014 16 35 56.jpg," which depicts a nude prepubescent female approximately 5-7 years old sitting on a bed and holding an adult male's erect penis in her hand.

On November 24, 2014, Chatzy user "hitler" posted four messages to Chatzy that were:

- a) "27 Male looking for a young girl to Skype with kik me RisktakerJ;"
- b) "Any young girls looking for an older man, kik me outofdarkness7211;"
- c) "Anyone have mother daughter vids or extreme vids kik me RisktakerJ;" and
- d) "25 male looking for a daughter or to trade vids on kik RisktakerJ."

Homeland Security Investigations ("HSI") sent an administrative summons to Kik Interactive Inc., which owns Kik Messenger, for the usernames "RisktakerJ" and "outofdarkness7211." The results indicated that both usernames were registered from a Samsung SMG730A cell phone. The username "outofdarkness7211" had a profile picture uploaded by the user, which shows a photograph of defendant Michael Enzor, which matched the photograph from defendant Michael Enzor's Facebook profile.

HSI determined that Michael Enzor was living in Jacksonville, Florida, and S/A Hollis obtained a federal search warrant for his residence on March 24, 2015. Through the execution of the search warrant, HSI seized a Samsung,

model SM G730A, from Michael Enzor. A forensic examination of the Samsung telephone revealed photographs of defendant Enzor, the email address enzor82@yahoo.com registered on the telephone, and the usernames risktakerj, night\_mares82 and Ezekiel1234 as well as Internet records of access of the website Chatzy.com. Further, three videos and three still images of child pornography were found on the phone. HSI recovered an SD card from Enzor's residence as well that contained 126 videos more than 100 video files of child pornography.

Enzor knowingly transported child pornography over the Internet website www.chatzy.com, to include the image file described above named, "03-10-2014 16 35 56.jpg." The production of this image involved the use of at least one minor engaged in sexually explicit conduct and depicted a minor child engaged in such conduct. Enzor knew that at least one of the performers in the image that he transported was a minor child and that the image was of such minor children engaged in sexually explicit conduct. Enzor acknowledges that there exists a sufficient nexus for purposes of forfeiture between the items specified herein and the criminal conduct set forth above.