

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

| | | |
|--------------------------|---|--------------------------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 3:18-CR- <u>8</u> (CAR) |
| | : | |
| v. | : | VIOLATION(S): |
| | : | |
| TIMOTHY BRIAN BURNETTE, | : | 18 U.S.C. § 2251(a) |
| | : | 18 U.S.C. § 2251(e) |
| Defendant. | : | 18 U.S.C. § 2253 |
| | : | |

THE GRAND JURY CHARGES:

COUNT ONE

Attempted Production of Child Pornography

On or about January 9, 2018, in the Athens Division of the Middle District of Georgia,

TIMOTHY BRIAN BURNETTE,

defendant herein, did knowingly attempt to employ, use, persuade, induce, entice, and coerce a minor to engage in any sexually explicit conduct for the purpose of producing visual depictions of such conduct, which visual depictions were produced using materials that have been mailed, shipped, and transported in and affecting interstate commerce by any means; specifically, defendant used a cell phone to record video in the locker room at Oconee County High School in Oconee County, Georgia; all in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT TWO

Attempted Production of Child Pornography

On or about January 10, 2018, in the Athens Division of the Middle District of Georgia,

TIMOTHY BRIAN BURNETTE,

defendant herein, did knowingly attempt to employ, use, persuade, induce, entice, and coerce a minor to engage in any sexually explicit conduct for the purpose of producing visual depictions of such conduct, which visual depictions were produced using materials that have been mailed, shipped, and

transported in and affecting interstate commerce by any means; specifically, defendant used a cell phone to record video in the locker room at Oconee County High School in Oconee County, Georgia; all in violation of Title 18, United States Code, Sections 2251(a) and (e).

FORFEITURE NOTICE
18 U.S.C. § 2253- Criminal Forfeiture

1. The allegations contained in Counts One and Two of this Indictment are hereby re-alleged and incorporated by reference into this Notice for the purpose of alleging forfeitures to the United States of America, pursuant to the provisions of Title 18, United States Code, Section 2253.

2. Upon conviction of the offense(s) in violation of Title 18, United States Code, Sections 2251(a) and (e) set forth in Counts One and Two of this Indictment, the defendant,

TIMOTHY BRIAN BURNETTE,

shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 2253:

- (a) Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, 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 Title 18, United States Code, Chapter 110;
 - (b) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense(s); and
 - (c) Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense(s) or any property traceable to such property.
3. If, as a result of any act or omission of the defendant, any property subject to forfeiture:
- (a) cannot be located upon the exercise of due diligence;
 - (b) has been transferred, sold to or deposited with, a third person;
 - (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 subdivided 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 18, United States Code, Section 2253(b).


All pursuant to Title 18, United States Code, Section 2253.

A TRUE BILL.

s/ Foreperson of the Grand Jury
FOREPERSON OF THE GRAND JURY

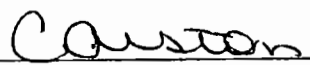
Presented by:

CHARLES E. PEELER
UNITED STATES ATTORNEY



PETER D. LEARY
ASSISTANT UNITED STATES ATTORNEY

Filed in open court this 14th day of February, AD 2018.



Deputy Clerk