

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**UNITED STATES OF AMERICA**

v.

**INDICTMENT**

**MICHAEL LEE DEPINE**  
\_\_\_\_\_ /

*3:19cr2/MCR*

**THE GRAND JURY CHARGES:**

**COUNT ONE**

Between on or about August 1, 2018, and on or about January 4, 2019, in the Northern District of Florida and elsewhere, the defendant,

**MICHAEL LEE DEPINE,**

using a facility and means of interstate and foreign commerce, did knowingly persuade, induce, and entice, and attempt to persuade, induce, and entice, an individual who had not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense.

In violation of Title 18, United States Code, Section 2422(b).

**COUNT TWO**

Between on or about August 1, 2018, and on or about January 4, 2019, in the Northern District of Florida and elsewhere, the defendant,

Returned in open court pursuant to Rule 6(f)
<i>1-15-19</i>
Date
<i>[Signature]</i>
United States Magistrate Judge

**MICHAEL LEE DEPINE,**

did knowingly and intentionally use, persuade, induce, and entice a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and this depiction was transported and transmitted in interstate and foreign commerce and produced using materials that had been shipped and transported in interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

**COUNT THREE**

Between on or about August 1, 2018, and on or about January 4, 2019, in the Northern District of Florida and elsewhere, the defendant,

**MICHAEL LEE DEPINE,**

did knowingly receive material containing child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that had been shipped and transported using any means and facility of interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2252A(a)(2) and 2252A(b)(1).

**COUNT FOUR**

Between on or about August 1, 2018, and on or about January 4, 2019, in the Northern District of Florida and elsewhere, the defendant,

**MICHAEL LEE DEPINE,**

did knowingly possess and access with intent to view, material containing child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that had been shipped and transported using any means and facility of interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

### **CRIMINAL FORFEITURE**

The allegations contained in Count One of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture, pursuant to the provisions of Title 18, United States Code, Section 2428.

From his engagement in the violation charged in Count One of this Indictment, the defendant,

### **MICHAEL LEE DEPINE,**

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2428, all of his interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of the offense and any property, real or personal, constituting or derived from any proceeds obtained, directly or indirectly, as a result of the offense including, but not limited to:

- i. The real property known as 5604 Lobelia Lane, Pensacola, Florida, and more particularly described in the Official Records at

Deed Book 7207, Page 20 of the public records of Escambia County, Florida as follows:

Lot 24, Block S, NATURE TRAIL SUBDIVISION, a Subdivision of a portion of Section 8, 9, and 16, Township 1 South, Range 31 West, Escambia County, Florida, according to the Plat thereof, recorded in Plat Book 18, Pages 60-60R, of the Public Records of Escambia County, Florida; and

- ii. A four door 2016 Lexus with VIN JTHBK1GG4G2215390.

If, as the result of any act or omission of the defendant, any of the property described above as being subject to forfeiture:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third person;
- iii. has been placed beyond the jurisdiction of the Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of any forfeitable property described above.

## **CHILD PORNOGRAPHY FORFEITURE**

The allegations contained in Counts Two through Four of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture, pursuant to the provisions of Title 18, United States Code, Section 2253. From his engagement in the violations alleged in Counts Two through Four of this Indictment, the defendant,

**MICHAEL LEE DEPINE,**

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, all of his interest in:

A. Any visual depiction described in section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of Chapter 110 of Title 18, United States Code, 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 of Title 18, United States Code;

B. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses alleged in Counts Two through Four of this Indictment; and

C. Any property, real or personal, used, or intended to be used, to commit or promote the commission of the offenses alleged in Counts Two through Four of this Indictment including, but not limited to:

i. The real property known as 5604 Lobelia Lane, Pensacola, Florida, and more particularly described in the Official Records at Deed Book 7207, Page 20 of the public records of Escambia County, Florida as follows:

Lot 24, Block S, NATURE TRAIL SUBDIVISION, a Subdivision of a portion of Section 8, 9, and 16, Township 1 South, Range 31 West, Escambia County, Florida, according to the Plat thereof, recorded in Plat Book 18, Pages 60-60R, of the Public Records of Escambia County, Florida; and

ii. A four door 2016 Lexus with VIN JTHBK1GG4G2215390.

D. The property referenced in subparagraphs A, B, and C above includes, but is not limited to, cameras, computer hardware such as monitors, central processing units, keyboards, computer programs, software, computer storage devices, such as disk drive units, disks, tapes, and hard disk drives or units, peripherals, modems and other telephonic and acoustical equipment, printers, contents of memory data contained in and through the hardware and software mentioned above, tools, equipment, and manuals and documentation for the assembly and use of the hardware and software mentioned above.

If, as the result of any act or omission of the defendant, any of the property described above as being subject to forfeiture:

i. cannot be located upon the exercise of due diligence;

- ii. has been transferred or sold to, or deposited with, a third person;
- iii. has been placed beyond the jurisdiction of the Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b), and by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of any forfeitable property described above.

A TRUE BILL:

**Redacted per privacy policy**

FOREPERSON

1-15-2019

DATE

  
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LAWRENCE KEEFE  
United States Attorney

  
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DAVID L. GOLDBERG  
Assistant United States Attorney