

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : HON. KEVIN MCNULTY
: :
: Criminal No. 16-13
v. :
: 18 U.S.C. §§ 2251(a) and (e)
: 18 U.S.C. § 2422(b)
BRANDON MCINTYRE : 18 U.S.C. § 875(c)
: 18 U.S.C. § 2261A(2)(B)

SUPERSEDING INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

COUNT ONE
(Production of Child Pornography)

On or about August 9, 2013, in the District of New Jersey, and elsewhere, the defendant,

BRANDON MCINTYRE,

did knowingly employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, a minor female (“MINOR VICTIM A”) to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that such visual depiction would be transported and transmitted using any means and facility of interstate commerce, and which visual depiction was produced and transmitted using materials that were mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and attempted to do so.

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

COUNT TWO
(Production of Child Pornography)

On or about August 11, 2013, in the District of New Jersey, and elsewhere, the defendant,

BRANDON MCINTYRE,

did knowingly employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, MINOR VICTIM A to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that such visual depiction would be transported and transmitted using any means and facility of interstate commerce, and which visual depiction was produced and transmitted using materials that were mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and attempted to do so.

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

COUNT THREE
(Online Enticement of a Minor
to Engage in Criminal Sexual Conduct)

From on or about August 6, 2013, and continuing through on or about August 18, 2013, in the District of New Jersey, and elsewhere, the defendant

BRANDON MCINTYRE,

did knowingly use the mail and any facility and means of interstate and foreign commerce, to knowingly persuade, induce, entice, and coerce, and attempt to persuade, induce, entice, and coerce, MINOR VICTIM A, 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 FOUR
(Interstate Extortionate Threat)

From on or about August 6, 2013, and continuing through on or about August 18, 2013, in the District of New Jersey, and elsewhere, the defendant,

BRANDON MCINTYRE,

did knowingly transmit in interstate commerce communications in form of Facebook messages to MINOR VICTIM A, and the communications contained threats to injure MINOR VICTIM A and others.

In violation of Title 18, United States Code, Section 875(c).

COUNT FIVE
(Stalking)

From on or about March 22, 2014, and continuing through on or about April 7, 2014, in the District of New Jersey, and elsewhere, the defendant,

BRANDON MCINTYRE,

with the intent to kill, injure, harass, intimidate, and place under surveillance with intent to kill, injure, harass, and intimidate a person, namely, a minor female ("MINOR VICTIM B"), used the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, and any other facility of interstate and foreign commerce, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to MINOR VICTIM B.

In violation of Title 18, United States Code, Section 2261A(2)(B).

COUNT SIX
(Interstate Extortionate Threat)

From on or about March 22, 2014, and continuing through on or about April 7, 2014, in the District of New Jersey, and elsewhere, the defendant,

BRANDON MCINTYRE,

knowingly transmitted in interstate commerce communications in form of Facebook messages to MINOR VICTIM B, and the communications contained threats to injure MINOR VICTIM B and others.

In violation of Title 18, United States Code, Section 875(c).

FORFEITURE ALLEGATION

1. The allegations contained in Counts One and Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 2253(a).

2. Upon convictions for violating Title 18, United States Code, Sections 2251(a), defendant,

BRANDON MCINTYRE,

shall forfeit to the United States any and all matter that contains visual depictions of minors engaged in sexually explicit conduct in violation of the offenses charged in Counts One and Two; any property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations; and any and all property used or intended to be used in any manner or part to commit and to promote the commission of the aforementioned violations or any property traceable to such property; including, but not limited to, the following property seized from the defendant on or about September 11, 2014:

- a. Hewlett-Packard 635 Laptop, Serial # 5CB1368BGR, with power supply
- b. Black Sprint Motorola Cellular Telephone, ESN # 803156F9;
- c. Black Sprint Motorola Cellular Telephone, ESN # 80190F1E;
- d. Samsung Sprint Cellular Telephone with loose memory card, HEX # A000002343CE43;
- e. Motorola Droid Razr Cellular Telephone, Model XT912.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- 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 divided 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).

A TRUE BILL

FOREPERSON ✓

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WILLIAM E. FITZPATRICK
Acting United States Attorney

CASE NUMBER: 16-13

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

BRANDON MCINTYRE

SUPERSEDING INDICTMENT FOR

18 U.S.C. §§ 2251(a) and (e)

18 U.S.C. § 2422(b)

18 U.S.C. § 875(c)

18 U.S.C. § 2261A(2)(B)

A True Bill.

for person

WILLIAM E. FITZPATRICK
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NEWARK, NEW JERSEY

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