

United States Courts Southern
District of Texas
FILED

APR 27 2022

Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

v.

PAZ GOMEZ-MAGDALENO
AKA NICK GOMEZ
AKA ISAAC GOMEZ

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CRIMINAL NUMBER

C-22- 265

INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Indictment:

1. The term "minor" is defined, pursuant to Title 18, United States Code, Section 2256(1), as "any person under the age of eighteen years."

2. The term "child pornography", for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(8)(A), and limited to:

"any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where -

(A) the production of such visual depiction involves the use of a minor engaged in sexually explicit conduct."

3. The term "sexually explicit conduct" is defined, pursuant to Title 18, United States Code, Section 2256(2), as any:

"actual or simulated -

(A) sexual intercourse, including genital [to] genital, oral [to] genital, anal [to] genital, or oral [to] anal, whether between persons of the same or opposite sex; [or]

(B) bestiality; [or]

- (C) masturbation; [or]
- (D) sadistic or masochistic abuse; or
- (E) [the] lascivious exhibition of the genitals or pubic area of any person."

4. The term "computer" is defined, pursuant to Title 18, United States Code, Sections 2256(6) and 1030(e)(1), as any:

"electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator or other similar device."

5. The term "producing," for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(3) and case law, as:

"producing, directing, manufacturing, issuing, publishing or advertising" and includes downloading or copying visual depictions from another source.

6. The term "visual depiction" is defined, pursuant to Title 18, United States Code, Section 2256(5), as including, but is not limited to, any:

"undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image."

7. The term "illicit sexual conduct" is defined, pursuant to Title 18, United States Code, Sections 2423 (f), 2246, 1591 and 2256(8) as:

- (A) a sexual act including;
 - i. contact between the penis and the vulva or the penis and the anus, contact involving the penis occurs upon penetration, however slight;
 - ii. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
 - iii. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
 - iv. the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

with a person under 18 years of age;

- (B) any commercial sex act, means any sex act, on account of which anything of value is given to or received by any person, with a person under 18 years of age; or
- (C) production of child pornography (as defined in section 2256(8)).

COUNT ONE
(Sexual Exploitation of a Minor)

Between on or about October 10, 2020 and on or about November 26, 2020, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendant,

PAZ GOMEZ-MAGDALENO
AKA NICK GOMEZ
AKA ISAAC GOMEZ,

did knowingly employ, use, persuade, induce, entice and coerce a minor, to wit: Minor Victim One, who had not attained the age of 18 years, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depictions would be transported or transmitted using any means or facility of interstate and foreign commerce and that such visual depictions were produced and transmitted using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means including by computer and such visual depictions had been transmitted using any means or facility of interstate and foreign commerce.

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

COUNT TWO
(Sexual Exploitation of a Minor)

Between on or about May 22, 2020 and on or about May 29, 2020, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendant,

PAZ GOMEZ-MAGDALENO
AKA NICK GOMEZ
AKA ISAAC GOMEZ,

did knowingly employ, use, persuade, induce, entice and coerce a minor, to wit: Minor Victim Two, who had not attained the age of 18 years, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depictions would be transported or transmitted using any means or facility of interstate and foreign commerce and that such visual depictions were produced and transmitted using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means including by computer and such visual depictions had been transmitted using any means or facility of interstate and foreign commerce.

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

COUNT THREE
(Enticement of a Minor)

Between on or about November 8, 2018 and on or about January 28, 2021, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendant,

PAZ GOMEZ-MAGDALENO
AKA NICK GOMEZ
AKA ISAAC GOMEZ,

using a facility and means of interstate and foreign commerce, including a computer, knowingly persuaded, induced, enticed and coerced Minor Victim Three, an individual who had not attained the age of eighteen (18) years, to engage in sexual activity for which the defendant could be charged with a criminal offense, that is, Sexual Performance by a Child, Section 43.25, of the Texas Penal Code.

Specifically, had such sexual activity occurred, defendant PAZ GOMEZ-MAGDALENO

could have been charged with a criminal offense under:

- Section 43.25(b) of the Texas Penal Code, which makes it a crime to employ, authorize, or induce a child younger than 18 years of age to engage in sexual conduct or a sexual performance.

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

COUNT FOUR

Between on or about December 23, 2020 and on or about January 28, 2021, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendant,

PAZ GOMEZ-MAGDALENO
AKA NICK GOMEZ
AKA ISAAC GOMEZ,

using a facility and means of interstate and foreign commerce, including a computer, knowingly attempted to persuade, induce, entice and coerce Minor Victim Four, an individual who had not attained the age of eighteen (18) years, to engage in sexual activity for which the defendant could be charged with a criminal offense, that is, Sexual Performance by a Child, Section 43.25, of the Texas Penal Code.

Specifically, had such sexual activity occurred, defendant PAZ GOMEZ-MAGDALENO could have been charged with a criminal offense under:

- Section 43.25(b) of the Texas Penal Code, which makes it a crime to employ, authorize, or induce a child younger than 18 years of age to engage in sexual conduct or a sexual performance.

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

COUNT FIVE

(Possession of Child Pornography)

On or about January 28, 2021, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendant,

PAZ GOMEZ-MAGDALENO
AKA NICK GOMEZ
AKA ISAAC GOMEZ,

did knowingly possess material that contained images and videos of child pornography, which had been shipped and transported using any means and facility of interstate and foreign commerce, and which had been produced using materials which had been mailed, shipped, and transported in and affecting interstate and foreign commerce, by any means, including by computer, more specifically: the defendant possessed a gold Samsung Cellphone, Model SM-J727T, Serial Number R28K12JL7TZ, which contained videos and images of child pornography, the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct.

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

COUNT SIX
(Possession of Child Pornography)

On or about January 28, 2021, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendant,

PAZ GOMEZ-MAGDALENO
AKA NICK GOMEZ
AKA ISAAC GOMEZ,

did knowingly possess material that contained images and videos of child pornography, which had been shipped and transported using any means and facility of interstate and foreign commerce, and which had been produced using materials which had been mailed, shipped, and transported in and affecting interstate and foreign commerce, by any means, including by computer, more specifically: the defendant possessed a blue Samsung Galaxy S10+, Serial Number: SM-G975U,

IMEI # 354641102419630, which contained videos and images of child pornography, the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct.

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

NOTICE OF FORFEITURE
18 U.S.C. § 2253(a)

Pursuant to Title 18, United States Code, Section 2253(a)(2) and (a)(3), the United States gives the defendant notice that in the event of conviction for the offenses charged in all Counts of the Indictment, the United States will seek to forfeit all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from the offenses charged in any Counts of the Indictment; and all property, real and personal, used or intended to be used to commit or to promote the commission of the offenses charged in any Counts of the Indictment, or any property traceable to such property, including, but not limited to, the gold Samsung Cellphone, Model SM-J727T, Serial Number R28K12JL7TZ and the blue Samsung Galaxy S10+, Serial Number: SM-G975U, IMEI # 354641102419630.

A TRUE BILL:
ORIGINAL SIGNATURE ON FILE
FOREPERSON OF THE GRAND JURY

JENNIFER B. LOWERY
UNITED STATES ATTORNEY



By: _____

MOLLY K. SMITH
Assistant United States Attorney