

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT☒ SUPERSEDING**OFFENSE CHARGED**

18 U.S.C. § 2252(a)(4)(B) and (b)(2) - Possession of and Access with Intent to View Child Pornography (Class C Felony)

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: 18 U.S.C. § 2252(a)(4)(B) and (b)(2) - 10 years minimum prison/20 years maximum; \$250,000 fine; 5 years min/lifetime max on supervised release; \$100 special assessment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

David Busby

DISTRICT COURT NUMBER

11-0188 SBA

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DEPARTMENT OF ENERGY

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Brian Lewis

DEFENDANT**IS NOT IN CUSTODY**

1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☒ Is on Bail or Release from (show District)

the Northern District of California

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: _____

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

ORIGINAL
FILED

JUL 09 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION
11

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 DAVID BUSBY,

16 Defendant.

NO.

CR 11-188 SBA

VIOLATION: 18 U.S.C. § 2252(a)(4)(B) and (b)(2)-
Possession of and Access with the Intent to View
Child Pornography

17
18 SUPERSEDING INDICTMENT

19 The Grand Jury charges:

20 From a time unknown to the Grand Jury to on or about April 20, 2010, in the Northern District of
21 California, the defendant,

22 DAVID BUSBY,

23 did knowingly possess and knowingly access with the intent to view at least one matter which contained
24 a visual depiction that had been shipped and transported using a means and facility of interstate and
25 foreign commerce and in and affecting interstate and foreign commerce, and which was produced using
26 materials which have been mailed and so shipped and transported, by any means including by computer,
27 the production of such visual depictions having involved the use of a minor engaging in sexually explicit
28 conduct, and such depictions were of such conduct, in violation of Title 18, United States Code, Section

1 2252(a)(4)(B) and (b)(2).

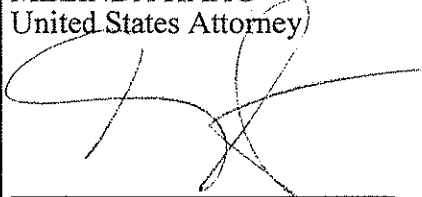
2 DATED:

A TRUE BILL.


3 8.4.13

4 
5 FOREPERSON

6 MELINDA HAAG
7 United States Attorney

8 

9 THOMAS STEVENS
10 Chief, Oakland Branch

11
12 (Approved as to form: )
13 AUSA LEWIS