

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FILED

JUL 12 2012

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

E-filing

VENUE: SAN FRANCISCO

CR 12 0558

UNITED STATES OF AMERICA,

v.

JSW

KIMIHIKO MAKINO,

DEFENDANT(S).

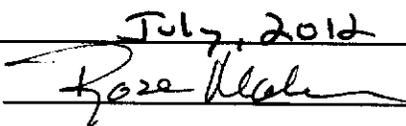
INDICTMENT

18 U.S.C. § 2251(d)(1)(A) – Advertising Child Pornography;
18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography;
18 U.S.C. § 2253 – Criminal Forfeiture

A true bill.


Foreman

Filed in open court this 12th day of

July, 2012
 ROSE MAHER
Clerk

 Bail, \$ no process

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

- 1. 18 U.S.C. § 2251(d)(1)(A) – Advertising Child Pornography Petty
 - 2. 18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography Minor
 - Misdemeanor
 - Felony
- PENALTY:** 1. Min. 15 years, max 30 years prison; up to \$250,000 fine; min. 5 years to life sup. release, \$100 man. special assessment
2. Maximum 10 years prison, up to \$250,000 fine; min. 5 years up to life sup. release, \$100 man. special assessment

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CR 12 0558

DEFENDANT - U.S.

KIMMIKO MAKINO

DISTRICT COURT NUMBER

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NORTHERN DISTRICT OF CALIFORNIA
JSW

PROCEEDING

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

HSI/DHS, Special Agent Analisa Nogales

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

12-MJ-70716

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) Owen Martikan

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

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

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 KIMIHIKO MAKINO,

16 Defendant.
17

No. **CR 12 0558**

18 VIOLATIONS:

19 18 U.S.C. § 2251(d)(1)(A) – Advertising
20 Child Pornography; 18 U.S.C. §
21 2252(a)(4)(B) – Possession of Child
22 Pornography; 18 U.S.C. § 2253 – Criminal
23 Forfeiture

24 SAN FRANCISCO VENUE

JSW

25 INDICTMENT

26 The Grand Jury charges:

27 COUNT ONE: 18 U.S.C. § 2251(d)(1)(A) – Advertising Child Pornography

28 On or about December 19, 2011, in the Northern District of California and elsewhere, the
defendant,

KIMIHIKO MAKINO,

did knowingly make, print, and publish, and cause to be made, printed, and published, a notice
and advertisement seeking and offering to distribute and reproduce a visual depiction, the
production of which involved the use of a minor engaged in sexually explicit conduct, and which
depicted such conduct, and knew and had reason to know that such notice and advertisement

INDICTMENT

1 would be transported using a facility of interstate and foreign commerce, and such notice and
2 advertisement was transported using a facility of interstate and foreign commerce, in violation of
3 Title 18, United States Code, Section 2251(d)(1)(A).

4
5 COUNT TWO: 18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography

6 On or about July 5, 2012, in the Northern District of California and elsewhere, the
7 defendant,

8 KIMIHICO MAKINO,

9 did knowingly possess at least one matter which contained a visual depiction that had been
10 mailed, shipped, and transported in and affecting interstate and foreign commerce, and which was
11 produced using materials which had been mailed, shipped and transported in interstate and foreign
12 commerce, by any means including by computer, the production of such visual depiction having
13 involved the use of a minor engaging in sexually explicit conduct, and such depiction was of such
14 conduct; in violation of Title 18, United States Code, Section 2252(a)(4)(B).

15
16 FORFEITURE ALLEGATION: 18 U.S.C. §§ 2253(a)(1) and (a)(3) - Criminal Forfeiture

17 Upon conviction of the offenses alleged herein, the defendant,

18 KIMIHICO MAKINO,

19 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2253(a)(1)
20 and (a)(3), all visual depictions of minors engaged in sexually explicit conduct, and all property,
21 real or personal, used or intended to be used to commit or promote the commission of the offenses
22 of conviction, including but not limited to five Polywell servers bearing serial numbers 598566,

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INDICTMENT

1 601077, 601693, 598585, and 601070.

2 DATED:

3 July 12, 2012

A TRUE BILL.

4
 FOREPERSON

5 MELINDA HAAG
United States Attorney

6

7 MIRANDA KANE
Chief, Criminal Division

8 (Approved as to form:)
9 AUSA MARTIKAN

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INDICTMENT