

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 13-141
v.	*	SECTION: "F"
GEORGE W. POTTER	*	
	* * *	

FACTUAL BASIS

Should this matter have gone to trial, the government would have proved through the introduction of competent testimony and admissible tangible exhibits, including documentary evidence, the following to support the allegations charged by the government in the indictment now pending against the defendant, **GEORGE W. POTTER** (hereinafter "**POTTER**").

On March 7, 2012, the Louisiana State Police ("LSP") determined that on January 6, 2012, an individual using the email address gumpnhs@hotmail.com emailed eight videos of child pornography to an individual living in Lockport, Louisiana. These videos depict pre-pubescent and pubescent boys engaging in sex acts including masturbation, oral sex, and anal sex with each other and with adult males. The videos range in length from thirteen seconds to approximately nine minutes.

The LSP enlisted the assistance of agents with the U.S. Department of Homeland Security, Homeland Security Investigations ("HSI") to identify the individual who sent the sexually explicit videos of child pornography. HSI obtained federal search warrants for the email accounts

associated with gumpnhs@hotmail.com and were able to determine that gumpnhs@hotmail.com was the defendant, **POTTER**.

On December 10, 2012, a federal search warrant was executed at **POTTER**'s residence located in Gulf Breeze, Florida. Agents seized a laptop computer and various items of computer media from Potter's home. During the execution of the search, **POTTER** advised the agents that he had another computer located at his mother's residence. **POTTER** agreed to meet the agents at his mother's home, provided the agents the computer, and gave the agents consent to search the recovered computer. In an abundance of caution, another federal search warrant was obtained in order to search the computer found in the mother's home.

POTTER made the following non-custodial statements during the execution of the search warrant. According to **POTTER**, his email address was gumpnhs@hotmail.com. **POTTER** created the email address by combining his high school nickname of "Gump" with the initials of the high school he attended. In addition, **POTTER** said he had sexual contact with another child when he was four-years-old and that "ever since that time" he has been "interested in child pornography in one way or another." **POTTER** stated that "normal people" just would not understand his fascination with child pornography. **POTTER** admitted to using the gumpnhs@hotmail.com email address to trade files of child pornography over the internet. **POTTER** identified a specific website as a site where he routinely met individuals in order to trade child pornography. In addition, **POTTER** admitted to sending the email containing the eight child pornographic videos to the individual located in Louisiana.

All of the seized computer equipment was searched by HSI computer forensic examiners in New Orleans. The computer examiners located all eight videos that **POTTER** was responsible for sending on January 6, 2012. In addition, email account records obtained from Microsoft

pursuant to one of the federal search warrants confirmed that **POTTER** emailed the videos from Florida to Louisiana.

Testimony would establish that all of the videos distributed by **POTTER** were of pre-pubescent and pubescent boys less than 18 years of age; to wit: less than twelve (12) years old and that the images of the child victims were “sexually explicit” as defined in Title 18, United States Code, Section 2256. All of the videos depicting the sexual victimization of minors distributed by **POTTER** would be introduced through the testimony of HSI agents and LSP troopers.

Further, the government would present evidence that would establish that the videos of child pornography had been transported in interstate and foreign commerce via computer. Various records and testimonial evidence, including testimony from representatives of HSI, the LSP, as well as other witnesses would also be called to prove the facts set forth above.

GEORGE W. POTTER
Defendant

Date

STEVEN BOWDEN
Counsel for Defendant

Date

CHRISTOPHER EDWARDS
Counsel for Defendant

Date

BRIAN M . KLEBBA
Assistant United States Attorney

Date