

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

**INDICTMENT FOR SEXUAL EXPLOITATION OF CHILDREN, DISTRIBUTION OF
MATERIALS INVOLVING THE SEXUAL EXPLOITATION OF MINORS, RECEIPT
OF MATERIALS INVOLVING THE SEXUAL EXPLOITATION OF MINORS,
AND NOTICE OF FORFEITURE**

UNITED STATES OF AMERICA	*	CRIMINAL NO.
v.	*	SECTION:
ROBERT EUGENE SWAN	*	VIOLATION: 18 U.S.C. §2251(a)
		18 U.S.C. §2251(e)
	*	18 U.S.C. §2252(a)(2)
		18 U.S.C. §2252(b)(1)
	*	18 U.S.C. §2253
	* * *	

The Grand Jury charges that:

COUNT ONE – SEXUAL EXPLOITATION OF CHILDREN

Beginning at a time unknown, and continuing until on or about June 25, 2012, in the Eastern District of Louisiana, and elsewhere, the defendant, **ROBERT EUGENE SWAN**, did knowingly employ, use, persuade, induce, entice, and coerce, and attempt to employ, use, persuade, induce, entice, and coerce, a minor, namely **Victim 1**, a six (6)-year-old girl, 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 depiction would be transported and

transmitted using any means or facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

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

COUNT TWO – DISTRIBUTION OF CHILD PORNOGRAPHY

On or about November 30, 2012, within the Eastern District of Louisiana, and elsewhere, the defendant, **ROBERT EUGENE SWAN**, did knowingly distribute, and attempt to distribute, visual depictions using a means and facility of interstate and foreign commerce and that had been shipped or transported in or affecting interstate commerce, by any means, including by computer, and the production of such visual depiction involving the use of a minor engaging in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), and such visual depictions were of such conduct.

All in violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1).

COUNT THREE – RECEIPT OF CHILD PORNOGRAPHY

Beginning at a time unknown and continuing until on or about January 30, 2013, within the Eastern District of Louisiana, and elsewhere, the defendant, **ROBERT EUGENE SWAN**, did knowingly receive, and attempt to receive, visual depictions, that is, digital images and videos and computer images and videos, that had been mailed, shipped, and transported in interstate and foreign commerce, by any means, including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), and such visual depictions were of such conduct.

All in violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1).

NOTICE OF SENTENCE ENHANCEMENT

Now comes the United States of America, by and through the United States Attorney for the Eastern District of Louisiana, Kenneth Allen Polite, Jr., who gives notice that on or about February 23, 1987, the defendant, **ROBERT EUGENE SWAN**, was convicted in the Circuit Court, First Judicial Circuit, Escambia County, Florida of Lewd and Lascivious Assault of a Minor, in violation of Florida Statute 800.04, Case Number 86-5140-CFA4S-01. Because of this conviction, if the defendant is convicted of a violation of Title 18, United States Code, Section 2251(a) (Count 1), or Title 18, United States Code, Section 2252(a)(2) (Counts 2 and 3), the defendant's sentence will be subject to a maximum sentence of imprisonment of not more than fifty (50) years and a mandatory minimum sentence of twenty-five (25) years as to Count 1 and a maximum sentence of imprisonment of not more than forty (40) years and a mandatory minimum sentence of fifteen (15) years as to each of Counts 2 and 3. *See* Title 18, United States Code, Sections 2251(e), 2252(b)(1).

NOTICE OF FORFEITURE

1. The allegations of Counts 1 through 3 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 2253.

2. As a result of the offenses alleged in Counts 1 through 3, the defendant, **ROBERT EUGENE SWAN**, shall forfeit to the United States all property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and/or any property, real or personal, used or intended to be used to commit or to promote the

commission of such offense or any property traceable to such property, in violation of Title 18, United States Code, Sections 2251(a) and 2252(a)(2), including but not limited to:

- (1) One (1) Gateway NV73 Laptop, SN:LXWGF0201194820CD31601;
- (2) One (1) Western Digital external hard drive enclosure, 500GB Western Digital hard drive, SN:WCAV53985089;
- (3) One (1) IBM ThinkCentre Desktop, SN:81413AU LKBAT7W, 1TB Hitachi hard drive, SN:MH0NAYNB;
- (4) One (1) 120GB Maxtor hard drive, SN:G60NPSGE;
- (5) One (1) Patriot XT 8GB USB Flash Drive;
- (6) One (1) Verbatim 8GB USB Flash Drive;
- (7) One (1) PNY 4GB USB Flash Drive;
- (8) One (1) PNY 4GB USB Flash Drive;
- (9) One (1) SDHC Card Reader 150x SD USB Adapter - Inside is an Adata 8GB SD HC card;
- (10) One (1) Toshiba external hard drive enclosure, SN:89MFF04LSHH9, 640GB Toshiba hard drive, SN:89MFF04LS;
- (11) One (1) 2TB Samsung HD203WI hard drive, SN:S1UYJ1BZ600101;
- (12) One (1) 8GB Quantum BigFoot TX hard drive, SN: unknown;
- (13) One (1) 2GB MicroSD Card;
- (14) One (1) 256MB SD Card; and
- (15) One (1) 2TB Seagate Barracuda hard drive, SN: 6XW1CY14.

3. If any of the property described above as being subject to forfeiture, 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 person;
- 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 subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Section 2253.

A TRUE BILL:

FOREPERSON

KENNETH ALLEN POLITE, JR.
United States Attorney

JORDAN GINSBERG
Assistant United States Attorney
Illinois Bar No. 6282956

New Orleans, Louisiana
December 13, 2013