

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

UNITED STATES OF AMERICA

* **CRIMINAL NO. 13-237**

v.

* **SECTION: "R"**

CHRISTOPHER M. SCHWAB

* **VIOLATIONS: 18 U.S.C. § 2251(a), (e)**
* **18 U.S.C. § 2252(a)(2),(b)(1)**
* **18 U.S.C. § 2253**

* * *

FACTUAL BASIS

Should this matter proceed to trial, both the government and the defendant, **CHRISTOPHER M. SCHWAB** ("SCHWAB") do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the government would prove the following beyond a reasonable doubt at trial:

The government would present evidence that in July 2013, special agents with Homeland Security Investigations ("HSI") determined that **SCHWAB** was responsible for sending images depicting the sexual exploitation of children. On July 31, 2013, HSI agents and members of the Kenner Police Department executed a federal search warrant at **SCHWAB's** residence in New Orleans, LA. During the search, agents recovered and seized a laptop computer and an iPhone.

After being advised of his *Miranda* warnings, **SCHWAB** admitted to producing, downloading, and distributing images depicting the sexual victimization of children. Specifically, **SCHWAB** said he used Google to find child pornography. According to **SCHWAB**, he used the search term “gay porn” and then would click on various links until he located a child pornography website. **SCHWAB** said he used a Russian website to trade child pornography with others using email and used the email address scrubdat@gmail.com to transmit and receive child pornography. **SCHWAB** said he would save the downloaded child pornography into folders on his computer. Agents would testify that **SCHWAB** admitted to having a preference for thirteen (13) year-olds and he told investigators that he masturbates to child pornography for sexual gratification.

Additionally, **SCHWAB** said he communicated with underage children using Skype. **SCHWAB** said he would send pictures of naked adult girls to minor boys in the hopes of getting the boys to send him sexually explicit images and videos. According to **SCHWAB**, he used the name “Amber” to communicate with minor boys on Skype and as a result the boys were under the impression that they were talking to a girl by that name. **SCHWAB** directed some of the boys to engage in sexual acts while Schwab recorded their sexually explicit activity. Agents would testify that **SCHWAB** said he recorded boys masturbating a couple of times a week for a couple of years. The government does not have any evidence that **SCHWAB** distributed the Skype videos he created.

SCHWAB also admitted to trading child pornography on Gigatribe approximately four times in the past two years. **SCHWAB**'s Gigatribe user name was “scrubdat.” **SCHWAB** also told HSI agents that he visited other child pornography websites and **SCHWAB** said he had to pay ten dollars to access one of the sites.

During the interview, **SCHWAB** also admitted to sexually exploiting two local boys. **SCHWAB** said he paid Victim 1 to masturbate while he videoed him using his iPhone and Schwab said he exploited a second young boy, Victim 2. **SCHWAB** told the agents that he assisted Victim 1 in the act of masturbation. **SCHWAB** said he recorded Victim 2 as he masturbated and that he paid Victim 2 for sexually explicit pictures and videos.

In the course of their investigation, HSI special agents determined that **SCHWAB** produced images and videos of two additional local boys. In total, four boys from the New Orleans area were victimized by **SCHWAB**. **SCHWAB** met three of the boys at a local on-line gaming arcade in Metairie, LA. As described below, **SCHWAB** befriended these boys and convinced them to perform sexually explicit acts in exchange for money.

A. Victim 1

Victim 1 was thirteen (13) years-old when he met **SCHWAB** at a local on-line gaming arcade in Metairie, LA. Investigators found a sexually explicit image of Victim 1 dated March 11, 2011 on **SCHWAB's** computer. Agents believe **SCHWAB** first recorded Victim 1 masturbating in Schwab's Ford Mustang (**SCHWAB's** car) on May 12, 2011.

Forensic agents recovered a total of six (6) sexually explicit videos and 34 pictures of Victim 1 saved to **SCHWAB's** computer. The six videos depict Victim 1 masturbating and, in one video, Victim 1 is inserting his finger into his rectum. Three (3) of the videos were created by **SCHWAB** using his iPhone and the other three were created through the use of web cameras and Skype. The last video is dated January 27, 2012.

During his post-*Miranda* interview with HSI agents, **SCHWAB** admitted to directing Victim 1 to masturbate inside of his car. **SCHWAB** further admitted to sharing videos of Victim 1 with up to two people on the Internet. During his interview with the agents, **SCHWAB** was shown a photograph of Victim 1 and he acknowledged committing the aforementioned conduct.

B. Victim 2

Victim 2 was fourteen (14) years-old when he met **SCHWAB** at a local on-line gaming arcade in Metairie, LA. Victim 2 would testify that **SCHWAB** paid him to take pictures of him masturbating. In total, HSI computer forensic examiners located eight (8)

sexually explicit videos on **SCHWAB**'s computer of Victim 2 masturbating. The dates of the videos range from November 10, 2012 to May 5, 2013. The first video filmed by **SCHWAB** using his iPhone depicts Victim 2 masturbating in Schwab's car. Victim 2 would testify that **SCHWAB** touched his penis when he was masturbating.

C. Victim 3

Victim 3 was sixteen (16) years-old when he met **SCHWAB** at a local on-line gaming arcade in Metairie, LA. According to Victim 3, he was "addicted" to a video game called World of Warcraft and apparently needed additional money to continue playing the game. **SCHWAB** told Victim 3 he would give Victim 3 money if he performed favors for him. Victim 3 and **SCHWAB** exchanged cell phone numbers and began texting each other. **SCHWAB** then asked Victim 3 to take and send him naked pictures in exchange for \$30-\$75. The amount **SCHWAB** paid Victim 3 was determined by the number of pictures Victim 3 sent to **SCHWAB**. From May 22, 2011 to July 8, 2011, Victim 3 sent a total of approximately 15-20 sexually explicit images to **SCHWAB**.

In addition, on June 4, 2011, **SCHWAB** took pictures of an encounter between Victim 3 and Victim 4 engaging in oral sex.

D. Victim 4

Victim 4 is the youngest of **SCHWAB**'s known victims. Computer forensic examiners found three (3) pictures created on June 4, 2011 making Victim 4 only twelve (12) years-old at the time the images were taken. The images depict Victim 3 performing oral sex on Victim 4.

HSI computer forensic examiners would also testify that **SCHWAB** knowingly distributed approximately 31 sexually explicit images and 8 videos of minors through the use of the Internet. In addition, HSI computer forensic examiners would testify that **SCHWAB** knowingly received approximately 7,000 sexually explicit images and approximately 600 sexually explicit videos through the use of the Internet.

Further, the government would present evidence that would establish that the images and videos of child pornography were created using phones, cameras, and computer equipment that had been transported in interstate and foreign commerce. The government would show through testimony and documentary evidence that the equipment (phones, cameras, and computers) used

by **SCHWAB** to produce and distribute the child pornography were all manufactured outside of the State of Louisiana and were transported in interstate or foreign commerce.

Testimony would establish that all of the images and videos produced and distributed by **SCHWAB** were of children less than 18 years of age and that the images of the child victims were “sexually explicit” as defined in Title 18, United States Code, Section 2256. All of the images and videos depicting the sexual victimization of minors produced and distributed by **SCHWAB** would be introduced through the testimony of HSI agents.

Further, the government would present evidence that would establish that the images and videos of child pornography had been transported in interstate and foreign commerce via computer or had been produced using materials that had been mailed, shipped, or transported in and affecting interstate and foreign commerce.

Various records and testimonial evidence, including testimony from representatives of HSI and the Kenner Police Department, as well as other witnesses would also be called to prove the facts set forth above.

LIMITED NATURE OF FACTUAL BASIS

This Factual Basis is not intended to constitute a complete statement of all facts known by the government and the defendant, but rather is a minimum statement of facts intended to

prove the necessary factual predicate for defendant's guilty plea. The limited purpose of this Factual Basis is to demonstrate that there exists sufficient legal basis for defendant's plea of guilty to the charged offenses.

CHRISTOPHER M. SCHWAB
Defendant

DATE

PATRICK FANNING
Counsel for Defendant

DATE

BRIAN M. KLEBBA
Assistant United States Attorney

DATE