

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED: April 18, 2013**
CORI MERKLINGER : **VIOLATIONS:**
AMBUR HAM : **18 U.S.C. § 2251(a), (e)**
 : **(Conspiracy to produce child**
 : **pornography - 1 count);**
 : **(Production of child pornography -**
 : **3 counts);**
 : **18 U.S.C. § 2252(a)(2), (b)(1)**
 : **(distribution of child pornography -**
 : **1 count)**
 : **18 U.S.C. § 2 (aiding and abetting)**
 : **Notices of Forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. Between on or about November 1, 2011, and November 8, 2012, in the Eastern District of Pennsylvania, defendants

**CORI MERKLINGER and
AMBUR HAM**

conspired and agreed to employ, use, persuade, induce, entice, and coerce minors to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, and such visual depictions were produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce, and such visual depictions were actually transported and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, that is the interstate telephone network and the Internet. At the time that the images were taken, the defendants knew

and had reason to know that such visual depictions would be transported and transmitted using a means and facility of interstate commerce and in and affecting interstate commerce, that is, the interstate telephone network and the Internet.

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant AMBUR HAM provided babysitting services for several minors under the age of 12;

3. While defendant AMBUR HAM was babysitting, defendant CORI MERKLINGER and defendant AMBUR HAM communicated by cellular phone, including by direct voice contact and through text messaging; and

4. Defendant CORI MERKLINGER on numerous occasions directed defendant AMBUR HAM to take digital photographs of those minors engaging in sexually explicit conduct and defendant AMBUR HAM did take such photographs and send them electronically to defendant CORI MERKLINGER.

OVERT ACTS

1. On or about January 24, 2012, defendant CORI MERKLINGER directed defendant AMBUR HAM to undress Minor 1, whose name is known to the Grand Jury. Defendant CORI MERKLINGER, via text message, directed defendant AMBUR HAM to touch Minor 1's genitalia and then take a photograph of Minor 1 naked.

2. On or about January 24, 2012, defendant AMBUR HAM took and sent the photograph as directed by defendant CORI MERKLINGER, and defendant MERKLINGER replied via text message that the photograph was blurry.

3. On January 31, 2012, defendant AMBUR HAM took naked photographs of Minors 1 and 2, whose names are known to the Grand Jury, and sent a text message to defendant CORI MERKLINGER stating that she had taken and sent to him photographs of Minors 1 and 2, and defendant CORI MERKLINGER sent a text message in reply stating that he only received a photograph of Minor 1.

4. On April 17, 2012, defendant CORI MERKLINGER, via text message, asked defendant AMBUR HAM to “get a pic” of Minor 3, whose name is known to the Grand Jury, and instructed defendant AMBUR HAM via text messaging to “strip her while she’s napping,” “feel her up,” “touch that little girl,” “take her panties down,” and then asked, “did u get a kiss pic,” and “what you [sic] waiting for.” Defendant AMBUR HAM responded by text messaging, “I got two pics . . . one is of her [genitalia].” Defendant AMBUR HAM continued, “I’ll send them once I am home.”

5. On or about April 17, 2012, defendant AMBUR HAM photographed the naked genitalia of Minor 3 and sent the photographs over a cellular phone network and the Internet to CORI MERKLINGER, who had instructed HAM to take the photographs.

6. On or about May 24, 2012, defendant AMBUR HAM photographed the naked genitalia of Minors 1 and 2, whose names are known to the Grand Jury, and sent the photographs over a cellular phone network and the Internet to CORI MERKLINGER, who had instructed HAM to take the photographs.

All in violation of Title 18, United States Code, Section 2251(e).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 24, 2012, in the Eastern District of Pennsylvania, defendants

**CORI MERKLINGER and
AMBUR HAM**

employed, used, persuaded, induced, enticed, and coerced Minor 1, who was under the age of 18, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that such visual depiction would be transported and transmitted in and affecting interstate commerce, and attempted to do so, and aided and abetted the same, that is, defendant HAM photographed the naked genitalia of Minor 1, whose name is known to the Grand Jury, for the purposes of sending the photographs over a cellular phone network and the Internet to CORI MERKLINGER, who instructed HAM to take the photograph.

In violation of Title 18, United States Code, Sections 2251(a) and (e) and 2256(2)(A)(v) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 24, 2012, in the Eastern District of Pennsylvania, defendants

**CORI MERKLINGER and
AMBUR HAM**

employed, used, persuaded, induced, enticed, and coerced Minor 2, who was under the age of 18, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that such visual depiction would be transported and transmitted in and affecting interstate commerce, and attempted to do so, and aided and abetted the same, that is, defendant HAM photographed the naked genitalia of Minor 2, whose name is known to the Grand Jury, for the purposes of sending the photograph over a cellular phone network and the Internet to CORI MERKLINGER, who instructed HAM to take the photograph, and defendant AMBUR HAM sent the photograph to defendant CORI MERKLINGER.

In violation of Title 18, United States Code, Sections 2251(a) and (e) and 2256(2)(A)(v) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 17, 2012, in the Eastern District of Pennsylvania, defendants

**CORI MERKLINGER and
AMBUR HAM**

employed, used, persuaded, induced, enticed, and coerced Minor 3, who was under the age of 18, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that such visual depiction would be transported and transmitted in and affecting interstate commerce, and attempted to do so, and aided and abetted the same, that is, defendant HAM photographed the naked genitalia of Minor 3, whose name is known to the Grand Jury, for the purposes of sending the photographs over a cellular phone network and the Internet to CORI MERKLINGER, who instructed HAM to take the photograph.

In violation of Title 18, United States Code, Sections 2251(a) and (e) and 2256(2)(A)(v) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

Between on or about July 24, 2012 and on or about November 8, 2012, in the Eastern District of Pennsylvania, defendant

CORI MERKLINGER

knowingly distributed, and attempted to distribute, visual depictions, using a means and facility of interstate and foreign commerce, that is, the Internet, and which visual depictions had been shipped and transported in and affecting interstate and foreign commerce, and which visual depictions contained materials which had been mailed and so shipped and transported, and the producing of such visual depictions involved the use of minors engaging in sexually explicit conduct, and the visual depictions were of such conduct, and aided and abetted the same.

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

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 2251 and 2252, set forth in this indictment, and pursuant to Title 18, United States Code, Section 2253, defendant

CORI MERKLINGER

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, including, but not limited to:

- (a) Child pornography images;
- (b) HP Pavilion laptop computer;
- (c) HTC myTouch 4G Glacier cellular phone.

2. If any of the property 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 party;
- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Sections 1594(d) and (e), and 2253.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 2251 and 2252, set forth in this indictment, and pursuant to Title 18, United States Code, Section 2253, defendant

AMBUR HAM

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, including, but not limited to:

- (a) Child pornography images;
- (b) Compaq Presario laptop computer;
- (c) Apple I-phone 3GS.

2. If any of the property 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 party;
- (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 divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Sections 1594(d) and (e), and 2253.

A TRUE BILL:

FOREPERSON

ZANE DAVID MEMEGER
United States Attorney