

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Anderson, James C. (USAWY)  
**Sent:** Tuesday, December 18, 2007 10:22 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** RE: 2422(b) based upon telephone contact

In Wyoming we just prosecuted the following 2422(b) case based only on a telephone:

U.S. [REDACTED] Block, USDC-WY-07CR00208-B (we plea bargained the case and allowed defendant to plead to distribution of obscene material due to problems related to the victim)

-----Original Message-----

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Tuesday, December 18, 2007 7:07 AM  
**To:** USAEO-PSC-Coordinators  
**Subject:** 2422(b) based upon telephone contact

Hi everyone -- Sorry to trouble you, but I have a defense attorney who is claiming that NO ONE has ever been prosecuted anywhere in the United States for a violation of 2422(b) based exclusively on the use of a telephone as the facility of interstate commerce. I know that is false because I have prosecuted two of these, but it would be really helpful if you could provide me with examples of other cases throughout the country.

Thank you so much.

A. Marie Villafaña  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Hurd, Marcia (USAMT)  
**Sent:** Tuesday, December 18, 2007 10:21 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** RE: 2422(b) based upon telephone contact

Hey there! I'm getting ready to charge one here, he is obviously out of touch--

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**From:** Levy, Mike (USAPAE)  
**Sent:** Tuesday, December 18, 2007 9:54 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** RE: 2422(b) based upon telephone contact  
**Attachments:** Second Superseding Indictment.wpd

Look at counts 11 and 12. Defendant was convicted.

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**Villafana, Ann Marie C. (USAFLS)**

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**From:** Martin, Kim (USAKS) 2  
**Sent:** Tuesday, December 18, 2007 9:51 AM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Subject:** RE: 2422(b) based upon telephone contact

Hi Ann Marie,

I Charged this a few years back. It is a published case in the 10th Cir. United States Riccardi.

I hope that is helpful.

Let me know if you need any additional information!!

-----Original Message-----

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Tuesday, December 18, 2007 8:07 AM  
**To:** USAEO-PSC-Coordinators  
**Subject:** 2422(b) based upon telephone contact

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