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July 25, 2007

BY HAND

Matthew Menchel, Esq.
Chief of the Criminal Division
The United States Attorney's Office
Southern District of Florida
99 NE 4th Street
Miami, Florida 33132

Jeffrey Epstein

Dear Mr. Menchel:

We have previously provided you with a memo as to why we believe no charge under 18 U.S.C. §2422(b) could or should be brought against Jeffrey Epstein, even assuming the specific conduct that you have alleged actually occurred. In that memo, we detailed Congress's intent in enacting this statute. We also posited that the language of the statute would have to be stretched beyond recognition to fit the particular facts of Mr. Epstein's case.¹ Enclosed is data that strongly supports the arguments we previously made. We have thoroughly analyzed every prosecution brought under the statute for which data could be obtained. Based on that analysis, we submit that the prosecutions actually brought under the statute overwhelmingly confirm the limits to prosecution we have previously identified.²

¹ For several months, we have also been consulting on this matter with Stephanie Thacker, former Principal Deputy Chief, Department of Justice, Child Exploitation & Obscenity Section. Ms. Thacker supports our position without reservation that this is not a matter upon which the federal statutes should be brought to bear. Ms. Thacker would also welcome any questions or concerns you would like to raise with her.

² Please note that the enclosed chart amends the one provided to you earlier this week by adding additional details recently located.

Exhibit 35

EFTA00224129

July 25, 2007 Lefcourt + Dershowitz
to Menchel

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For example, of the 184 prosecutions in which at least one count alleges a violation of §2422(b), in the overwhelming majority of those cases – 160, or over 85% -- the “means” of interstate communication was the Internet and involved the classic “Internet trolling” – far different from the behavior alleged here. Of that subset, the vast majority -- 113 -- were “sting” operations involving “children” (actually, agents) said to be between 2 and 14 years of age. The government in each of those instances took every precaution to verify that the defendant’s actions were undertaken “knowingly”. To the extent we can determine the facts, it appears that prior to a case being brought, in each instance multiple explicit (and recorded) conversations were had, so there could be no question as to when the inducement was attempted, whether the inducement was of explicit unlawful sexual activity, or what the defendant’s belief was as to the age of the victim. Again, this has no applicability to the facts alleged here.

The data is informative in other ways, as well. Though there are a handful of cases in which the telephone is one of a multiple of means of interstate communications allegedly used, in only two such cases, both far different from the facts here,³ was the use of the telephone the sole means of the wrongdoing alleged. In the remaining telephone cases, the §2422(b) count is only one of several amongst various charges of possession of child pornography, violence, and the like.

The data from the chart also establish that in the vast majority of the cases brought, no sexual activity was actually consummated. That confirms that prosecutions under §2422(b) are focused on protecting the federal interest in preventing the means of interstate communication from being used to commit crimes, particularly with respect to activities that are traditionally difficult for the state to prosecute. A prosecution predicated on an incidental telephone call used as a “hook” to trigger federal jurisdiction in order to punish a defendant for the underlying sexual activity is well out of, not only the mainstream of §2422(b) prosecutions, but all §2422(b) cases that have ever been brought. Here, the state is fully able to prosecute the conduct alleged.

We understand that the government believes it possesses proof that on various occasions telephone calls were allegedly made on Mr. Epstein’s behalf by other persons who allegedly

³ As detailed in the introductory section to the chart, among the differences are that those cases involve pimps who conceded that their businesses hinged on the use of telephones. Moreover, it is unequivocal that the arrangements being made are for sexual activity with underage women.

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spoke directly or indirectly to women who were under 18. As the message books taken (unlawfully, in our view) during the search of Mr. Epstein's home clearly show, many women initiated the interactions by repeatedly calling to schedule massages. If the calls on which the government might seek to rely were merely "return" calls, certainly any alleged "inducement" would be far from unambiguous. And of course, the woman who called would have to have been known by Mr. Epstein to be under 18, and further, Mr. Epstein would have to have known and intended that a specific sexual activity unlawful under Florida law was being induced.

Thus, contrary to there being unambiguous proof of the required elements of a §2422(b) violation in this case, at least the following defects exist:

First, it is hardly the case that every massage resulted in sexual activity. Thus, merely because there was a telephone call, even one that might have "induced" a massage (which we dispute), such telephone call is not tantamount to the use of a telephone in violation of the statute.

Second, even where a particular massage involved masturbation by Mr. Epstein or the touching of a woman, we dispute that any such conduct is a violation of any applicable Florida law.

We assume you are focused on the evidence which reflects the sworn statement of, for example, Haley Robson, who told state investigators that she was asked to find women between 18 and 20 who would provide Mr. Epstein with topless massages and which sometimes involved their being touched. Fla. Stat. Ann. §796.07, a general statute which proscribes "prostitution" and "lewdness", regardless of whether an adult or minor is involved, is of very limited applicability here. That statute's definition of "prostitution" excludes conduct of which there may be evidence, specifically, a man masturbating himself while touching the breasts of another. Section 796.07(1)(a) defines "prostitution" as the giving or receiving of the body for sexual activity for hire. "Sexual activity" is defined to include "the handling or fondling of the sexual organ of another for the purpose of masturbation". Thus, "sexual activity" appears to cover situations where a woman is paid to masturbate a man but excludes the situation where the man masturbates himself in the presence of a woman. Any other reading of this statutory language would raise constitutional problems of fair warning, vagueness and lenity.

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We are, of course, mindful of the fact that, unbeknownst to Mr. Epstein, some of the women were in fact not yet 18. It is certainly not clear that any state statutes were violated by Mr. Epstein's conduct with any of these women, either. Florida law criminalizes relatively little sexual activity with persons between the ages of 16 and 18. For example, it is not a violation of the laws regulating sexual activity to receive a massage from a person between 16 and 18 who is topless or even naked. *See* Fla. Stat. Ann. §800.04 (lewd and lascivious conduct with a child between the age of 16 and 18). Nor does that statute make it a crime to touch the breasts or other private areas of someone between 16 and 18. *Id.* And, of course, even if a state crime was committed, which we surely do not concede, that does not make out a federal crime, unless it could be proven that the defendant knowingly induced an illegal act over the telephone.

Moreover, at best, the proof would show that only a small minority of massages resulted in what may possibly be characterized as sexual activity with a woman under the age of 18. But even where a massage involved sexual activity with a woman under 18, to the extent Mr. Epstein did not know the woman was under 18, or the telephone call did not induce the activity, or Mr. Epstein did not intend the sexual activity at the time the telephone call arranging the massage, or the person arranging the massage did not intend the sexual activity, there would be multiple additional barriers to a successful prosecution.

Further, putting aside whether there is sufficient proof that Mr. Epstein knew (and not merely that he "should have" surmised) that any of the women were in fact under 18, the set of facts hypothesized above has never before provided a legally sufficient predicate for a prosecution under §2422(b) - or under any other federal statute.

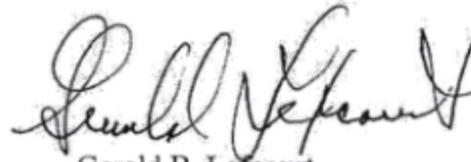
The enclosed chart clearly and compellingly demonstrates that every charge brought alleging a violation of §2422(b) is characterized by direct (not circumstantial and certainly not speculative) evidence of the defendant himself (not others on his behalf) using the means of interstate communication to communicate an unambiguous inducement to a person known to be underage or in the case of a sting, represented to be underage (or a person thought to be acting on behalf of such person) during the very communication that constitutes the required basis for federal jurisdiction.

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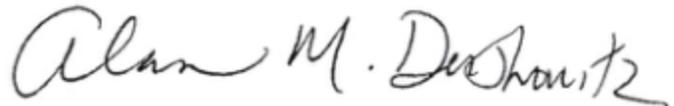
To our knowledge, the current investigation lacks any direct (or even circumstantial) proof that an inducement was made by Mr. Epstein during the pivotal communication that is at the very heart of any potential §2422(b) charge. Even if the government contends that Mr. Epstein induced unlawful sexual activity at some point, face to face, after a telephone call, the separation of the communication and the inducement takes Mr. Epstein's alleged misconduct outside the ambit of federal prosecution. It would be unprecedented (and unprincipled), as the chart demonstrates, to prosecute Mr. Epstein under §2422(b) absent proof beyond a reasonable doubt both that he knew the age of the person and that he intended in that communication to induce sexual activity that is unlawful under Florida law. It would also be unprecedented to prosecute Mr. Epstein under §2422(b) based on a telephone call made by a third party without direct proof that Mr. Epstein intended that telephone call to induce unlawful sexual activity.

For all of these reasons, as well as those asserted at the meeting of June 26 and in our follow up letter dated July 6, 2007, as well as our earlier letter of June 25, we submit that no charge under 18 U.S.C. §2422(b) can be brought. If you have any questions or would like to discuss this further, we are available.

Very truly yours,



Gerald B. Lefcourt



Alan M. Dershowitz

cc: Lilly Ann Sanchez, Esq.

JEFFREY EPSTEIN

18 U.S.C. §2422(b) CASE ANALYSIS CHART

A nationwide search of all cases listing charges under 18 U.S.C. §2422(b) underscores the undeniable fact that this statutory provision has been used almost exclusively to apply to situations involving **Internet** “trolling” by sexual predators. Out of a total of 184 cases listed in the chart below, the overwhelming majority – 160 cases – involves communications using the Internet. Of those cases, 113 involve the classic “**Internet Sting**” operations where either the government or a private organization has focused its investigative efforts on the use of the Internet to lure infants and minors, 2-14 years-old. Of those 113 cases, 76 involve the use of **Internet chat rooms**. As the chart reflects, the circumstances under which this statute has been applied invariably involve communications containing an explicit inducement – if not many – to the minor to engage in sex, and reflect the defendant’s clear knowledge of the age of the minor.

Notably out of the 184 cases, two of the three cases in which the telephone served as the sole facility of interstate commerce involve charges against pimps of prostitution rings. Both of those cases involve the pimps’ use of the telephone to arrange appointments for prostitutes to further their business ventures. In addition, both of those cases include violence, distribution of narcotics, use of force and possession of firearms and the like. *[REDACTED] v. [REDACTED]*, 476 F.3d 1176 (11th Cir. 2007); *U.S. v. Phillips*, 165 Fed. Appx. 677 (10th Cir. 2006). The only other instance where the telephone provided the sole basis for a charge under 2422(b) presented a situation where the enticement/inducement of known underage girls for sexual activity was explicitly made over the telephone. Lastly, the telephone and not the Internet served as the “facility or instrument” of interstate commerce in 4 foreign travel sting operation cases geared towards “sex tourism”. Several other cases involving pimps (3) failed to mention the facility used.¹

¹ The 14 remaining cases involving charges under 2422(b) fail to provide any information as to the facts underlying the charges.

It is also clear that in no case – other than *U.S. v. Howard*, 2006 U.S. Dist. LEXIS 67214 (W.D.N.C. 2006) (co-conspirator pimps in prostitution ring) – was there a successful charge of conspiracy based on §2422(b). *See, e.g., U.S. v. Pisman*, 443 F.3d 912 (7th Cir. 2006) (2423(b) conspiracy); *U.S. v. Pipkins, et al.*, 378 F.3d 1281 (11th Cir. 2004) (RICO conspiracy); *U.S. v. Hornaday*, 392 F.3d 1306 (11th Cir. 2004) (conspiracy charge was error); *U.S. v. Jackson*, 2007 U.S. Dist. LEXIS 33639 (D. Neb. 2007) (state conspiracy charge dropped because no conspiracy possible with undercover agent); *U.S. v. Bianchi*, 2006 U.S. Dist. LEXIS 90073 (E.D. Pa. 2006) (2423(e) conspiracy).

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
1 st Cir.	<i>U.S. v. Dewire</i> , 271 F.3d 333 (1 st Cir. 2001)		Internet	AOL instant message (IM) communication with “12 yr-old”; sexually explicit conversation, at the end of which defendant arranged to meet “12 yr-old” at a restaurant. In reality communications were with an adult swim team coach who had been using the girl’s computer; coach turned print out of conversation over to police who observed defendant entering and leaving the restaurant and arrested him. Sentence 13 months; appealed conviction & sentence. Affirmed.	2422(b) Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Gravenhorst</i>, 2006 U.S. App. LEXIS 32373 (1st Cir. 2006); vacating 377 F.3d 49 (1ST Cir. 2004)</p>	Unpublished	Internet	<p>Use of email by 45 yr-old male to proposition 4 16 yr-old girls & one under 16 yrs-old to engage in sex with him; defendant pretended to be 19 yr-old and sent numerous graphic emails asking minors for sex; also sent sexually-charged images to them – including couple engaging in sex and an erect penis.</p> <p>Sentence vacated in light of <i>Booker</i>.</p>	<p>2422(b); 1470; 1462</p> <p>No Information</p>
2 nd Cir.	<p><i>U.S. v. Miller</i>, 148 F.3d 207 (2nd Cir. 1998)</p>		Pimp/ Prostitution	<p>Gang members; pimp recruited underage girls for prostitution and traveled interstate with them.</p>	<p>2422(b); 2423(b)</p> <p>No Information</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Friedman</i>, 139 Fed. Appx. 330 (2nd Cir. 2005)</p>	<p>Unpublished</p>	<p>Internet</p>	<p>Email communications with actual 14 yr-old; defendant arranged to meet and actually met 14 yr-old girl and engaged in "sexual touching"; interrupted by security guard at mall; Ims reflected defendant's intention upon meeting 14 yr old to present himself in an aroused state; defendant found with condoms in his car; & when arrested photos were found on his digital camera, one of which he had sent to the 14 yr-old via email. Conviction affirmed but 81 month sentence vacated to be reconsidered in light of <i>Booker</i>.</p>	<p>2422(b); 2423(b) Consummated</p>

COURT	CASES	FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Weisser</i>, 417 F.3d 336 (2nd Cir. 2005)</p>	<p><u>Internet</u> <u>Sting</u></p>	<p>AOL IM chats (over 6) between 45 yr-old male from San Francisco and "11 yr-old male" in NYC; discussed in graphic language the kinds of previous sexual activity he had engaged in with other minor males and those he planned to engage in with the "11 yr-old"; defendant arranged to meet the "boy" at a hotel in NYC; talked on the telephone twice (calls recorded); requested photos to verify age; made detailed plan for "11 yr-old" to skip school and stay with him at hotel in NYC; defendant sent "11 yr-old" his flight and hotel information and waited for "boy" in hotel room where arrested; police found defendant with sexual paraphernalia and CD in computer containing child porn which had been created from images downloaded from defendant's computer.</p> <p>210 month sentence remanded to be reconsidered in light of <i>U.S. v. Crosby</i>, 397 F.3d 103 (2d Cir. 2005).</p>	<p>2422(b); 2423(b); 2252A(a)(1)</p> <p>Not Consummated</p> <p>Showed up at meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Minnici</i>, 128 Fed. Appx. 827 (2nd Cir. 2005)</p>	<p>Unpublished</p>	<p><u>Internet Sting</u></p>	<p>Defendant drove 170 miles to engage in sexual activities with "13 yr-old" after engaging in IM chats, and telephone conversations. Defendant found to be in possession of graphic photographs. Defendant also engaged in IM chats with "14 yr-old" during which he expressed desire to travel to meet her; also other IM chats where defendant described "coaching" high-school girls in sexual terms; photo of grown man masturbating in front of a 2 yr-old.</p> <p>"Addictive" nature of Internet communications with minor warranted pre-trial detention and revocation of bond.</p>	<p>2422(b); 2423(b)</p> <p>Not Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Brand</i>, 467 F.3d 179 (2nd Cir. 2006)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room; civilian posing as “13 yr-old girl” in “I Love Older Men” chat room; defendant proposed they meet and he “hug” her and they could fool around and “do it all”; offered to “teach her” how to have sex and “how to be a woman”; civilian turned chats over to police; defendant used the telephone to plan and arrange to meet for sex; arrested when he showed up. Police found child porn on his computer and condoms in his car.</p>	<p>2422(b); 2423(b)</p> <p>Not Consummated.</p> <p>Showed up at meeting</p>
	<p><i>U.S. v. Johnson</i>, 221 F.3d 83 (2nd Cir. 2000)</p>		<p>Internet</p>	<p>Internet contact with 3 separate minor girls and traveled to engage in illegal sexual conduct; traveled from MA to NY; VA to MD; & VA to MI to meet 13 yr-olds & have sex; and convinced minor to travel from MD to VA to have oral sex with him; all through the Internet.</p> <p>Pled guilty – 88 month sentence Affirmed.</p>	<p>2422(b); 2423(b); 2252(a)(1) & (a)(4)(B)</p> <p>Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
3 rd Cir.	<i>U.S. v. Lee</i> , 315 F.3d 206 (3 rd Cir. 2003)		Internet	<p>Internet chat room “GirlsandOlderGuys”; 30 yr-old contacted minor in chat room; met actual 15 yr-old in chat room; arranged to have her travel to meet him; they met and engaged in sexual acts. Also attempted to meet other minors online to engage in sexual activity; transmitted child porn online.</p> <p>Pled guilty to 2252A and 2422(b) and sentenced to 57 months; appealed sentence requiring supervised release condition requiring random polygraph testing. Affirmed.</p>	2252A(a)(1) & (b)(1); (a)(5)(B) & (b)(2); 2423(b); 2422(b) Consummated
	<i>U.S. v. Hlavac</i> , Slip Copy, 2006 WL 3368897 (3 rd Cir. 2006)	Slip Copy Not for Publication	Internet	Defendant responded to Internet propositions made by mother of a 2 yr-old offering her for sex; arranged for the sexual encounter with the infant online. When arrested police found child porn on his computer including descriptions of his fantasies of engaging in sex with the mother and infant. Appealed 240 month sentence. Affirmed.	2422(b); 2423(b); 2252(a)(2); 2252(a)(4)(B); 2253 Consummated

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	U.S. █ <i>Awwad</i> , 184 Fed. Appx. 201 (3 rd Cir. 2006)	Unpublished	<u>Internet Sting</u>	Case involved typical internet sting operation. No specific facts available.	2422(b); 2423(b) Not Consummated
	U.S. █ <i>Garcia</i> , Slip Copy, 2007 WL 986874 (3 rd Cir. 2007); <i>see also</i> U.S. █ <i>Garcia</i> , 2005 WL 1862409 (M.D. Pa. 2005)(Unpublished) <i>infra</i>	Slip Copy Not for Publication	Internet	56 yr-old male met 14 yr-old on Internet ; traveled to meet her for sex and had sex with her. Pled guilty but appealed 100 month, 5yr supervision & fines. Affirmed.	2422(b); 2423(b) Consummated

COURT	CASES	FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Tykarsky</i>, 446 F.3d 458 (3rd Cir. 2006)</p>	<p><u>Internet Sting</u></p>	<p>Internet chat room "lloveoldermen2"; defendant initiated IM chat with "14 yr-old"; indicated interest in having sex with her; contacted the "14 yr-old" on at least 8 different dates & described in explicit detail sexual acts he hoped to perform with her; asked "14 yr-old" for photo; during Internet chat defendant arranged to meet "14 yr-old" at a hotel and described sexual acts he intended to engage in with her; defendant showed up at hotel and arrested.</p> <p>Actual minor not required; maximum sentencing provided by PROTECT Act remanded because conduct occurred before effective date of the Act (April 30, 2003).</p>	<p>2422(b); 2423(b)</p> <p>Not Consummated</p> <p>showed up at meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
4 th Cir.	<i>U.S. v. Kaye</i> Slip Copy, 432007 WL 1978226 (4 th Cir. 2007)	Slip Copy Not for Publication	Internet Sting by private organization	Internet communications by 54 yr-old male with "13 yr-old male"; defendant told "13 yr-old" he was "prowling for young men" on the Internet; defendant emailed explicit photos of himself naked and having oral sex with another male; defendant engaged in several sexually explicit chats with "14 yr-old"; arranged to meet "14 yr-old" for sex; when defendant arrived he was met by "Dateline" crew instead. Conviction & sentence affirmed	2422(b); 2423(b) Not Consummated
	<i>U.S. v. Bray</i> , 133 Fed. Appx. 80 (4 th Cir. 2005)	Unpublished	No Information	No information available. Indictment not accessible; media information. Challenge to sentence of 168 and 180 months for 2 counts of 2422(b) conviction and 60 month conviction for marijuana possession – all but 24 months to be concurrent or alternative sentence of 204 months - court affirmed sentence.	2422(b); 21 USC 841 (marijuana possession) No Information
	<i>U.S. v. Taylor</i> , 6 Fed. Appx. 174 (4 th Cir. 2001)	Slip Copy Not for Publication	No Information	No information available. Indictment not accessible; no media information. Appealed 71 month sentence. Affirmed.	2422(b); 2423(b) No Information

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
5 th Cir.	<i>U.S. ■ Cherian,</i> 58 Fed. Appx. 596 (5 th Cir. 2003)	Unpublished	<u>Internet Sting</u>	Internet chat room "Mom and Daughter Sex"; defendant initiated conversations with "mother of 13 yr-old"; over 13 months communicated with her relating sexually explicit details of sex experiences and preferences with the "13 yr-old"; arranged to meet "13 yr-old" for sex and arrested when he showed up. Conviction affirmed.	2422(b); 2423(b) Not Consummated Showed up for meeting
	<i>U.S. ■ Berger,</i> 119 Fed. Appx. 658 (5 th Cir. 2005)	Unpublished	No Information	No information available. Indictment not accessible. Pled guilty to 2422(b); appealed plea and sentence. Appeal dismissed.	2422(b) No Information
	<i>U.S. ■ Latorre,</i> 61 Fed. Appx 557 (5 th Cir. 2003)	Unpublished	No Information	No information available. Indictment not accessible; no media information. Sentence restriction that prohibits defendant from "visiting any areas near schools, day-care centers..." after release from 105 months imprisonment affirmed.	2422(b); 2423(b) No Information

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Armendariz</i>, 451 F.3d 352 (5th Cir. 2006)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room“Lil Boys for Older Men”; 38 yr-old man entered & contacted minor “boy” through chat room describing sexual encounters he would like to have with the “boy”; claimed he would like to teach the “boy” how to perform sexually; later used phone to continue contact and arranged to meet for sex; arrested when he showed up for the meeting. Computer analysis showed that he had corresponded with at least 4-5 other actual minor males but had never attempted to have sex with them.</p> <p>Government contested failure to require supervision upon release after 60 month sentence; sentence vacated and remanded because court did not consider the guidelines in not requiring post release supervision.</p>	<p>2422(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. █ Wise,</i> 447 F.3d 440 (5th Cir. 2006)</p>		<p>Internet</p>	<p>Internet chat room; 38 yr-old from Texas established Internet contact with 13 yr-old; defendant lied about his age because he knew 13 yr-old was not interested in sexual relationship with someone his age; IM chats and telephone conversations got more and more sexually explicit; defendant and 13 yr-old discussed sex acts they would perform together; defendant asked her to send explicit nude photos of herself; arranged to travel to meet for sex and recorded encounters; met on at least 3 separate occasions and performed sexual acts & took non-sexual & sexual photos.</p> <p>Contested 168 month sentence because of "grouping" in pre-sentence report. Affirmed.</p>	<p>2422(b); 2423(b)</p> <p>Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
6 th Cir.	<i>U.S. ■ Smith,</i> 20 Fed. Appx. 412 (6 th Cir. 2001)	Unpublished	Internet	Internet and telephone communications between 42 yr-old and 16 yr-old girl; the two met and had sexual relations; when the 16 yr-old tried to end the relationship, the defendant threatened and physically abused her; police engage in undercover investigation. Challenged use of prior felony convictions to enhance sentencing to 150 months. Affirmed.	2422(b); 2423(b); 2252 Consummated
	<i>U.S. ■ First,</i> Slip Copy, 2007 WL 1700818 (6 th Cir. 2007)	Slip Copy Not for Publication	<u>Internet</u> <u>Sting</u>	Internet communications between defendant and “mother of under age girls”; defendant expressed interest in having sex with “daughters”; arranged to meet; arrested when he showed up after attempting to escape and hit officer with his car. Pled guilty; contested 144 month & 10 yr. supervision sentence. Affirmed.	2422(b); 2423(b) 2241(c); 2241(c); 111 (assault of officer) Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. ■ Yokeley,</i> Slip Copy, 2007 WL 1958627 (6th Cir. 2007)</p>	<p>Slip Copy Not for Publication</p>	<p><u>Internet Sting</u></p>	<p>Internet chat room “moms want older men for daughter”; approached “mother of 12 & 9 yr-olds” for sex with all three; graphic conversations with “12 yr-old” about having oral sex with her & getting her “9 yr-old” sister to participate; used telephone to finalize arrangements to meet for sex with “girls” & told them to get morning after pill because he did not want to use condom; wanted to be first sexual partner of the “12 yr-old”; arrested when he showed up.</p> <p>Pled guilty; contested 108 month sentence. Affirmed.</p>	<p>2422(b); 2423(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Fuller</i>, 77 Fed. Appx. 371 (6th Cir. 2003)</p>	Unpublished	<u>Internet Sting</u>	<p>Defendant engaged in Internet IM chats with adult women which he continued with telephone contact; women reported him to police because of his preoccupation with having sex with minors; police conducted Internet sting operation; defendant began IM & telephone communications with "14 yr-old"; described explicit sexual acts, including mother/daughter sex; sent photos of women having sex with dogs; arranged a meeting with "14 yr-old" to have sex; arrested when he showed up. Challenged sentence of 135 months & 2 year supervision. Affirmed.</p>	<p>2422(b); 2252(a)(1) & (a)(4)(B)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>
	<p><i>U.S. v. Kisor</i>, 104 Fed. Appx. 479 (6th Cir. 2004)</p>	Unpublished	Internet	<p>Internet chat room; 32 yr-old met 16 yr-old; engaged in IM and telephone communications containing graphic descriptions of sexual desires & role playing; mother found daughter in motel room with defendant and called police. Appeal of the court's refusal to ask jurors during voir dire if they thought that a 16 year-old could seduce an adult. Court found no error.</p>	<p>2422(b)</p> <p>Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. ■ Chriswell,</i> 401 F.3d 459 (6th Cir. 2005)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room “I Love Older Men”; 52 yr-old met “14 yr-old” in chat room; engaged in at least 14 explicit sexual conversations; arranged to meet and arrested when he showed up.</p> <p>Appeals 2 level enhancement of sentence because undercover agent was not actual minor; court agreed with defendant and reversed and remanded.</p>	<p>2422(b); 2423(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>
	<p><i>U.S. ■ Hamm,</i> 400 F.3d 336 (6th Cir. 2005)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room “I wanna do older men”; 27 yr-old initiated conversation with “14 yr-old”; defendant expressed desire to have sexual relations with her & sent her money to buy a plane ticket in order to meet him for sexual activity; arrested when he went to airport to pick her up.</p> <p>Pled guilty and challenged 33 month sentence because court failed to recognize its ability to depart downward from the guidelines; sentence vacated.</p>	<p>2422(b); 2423(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES	FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. v. Payne</i> , 77 Fed. Appx. 772 (6 th Cir. 2003)	Unpublished	Internet chat room contact with "14 yr-old"; defendant asked "14 yr-old" if she would perform oral sex on him and told her he wanted to touch her under her clothes; arranged to meet at a restaurant; arrested when he showed up. Pled guilty but challenged sentence base offense level computation; court affirmed 24 month & 2 year supervision.	2422(b) Not Consummated Showed up for meeting
	<i>U.S. v. McCall</i> , 79 Fed. Appx. 795 (6 th Cir. 2003)	Unpublished	Internet chat room ; initiated communication with "15 yr-old"; FBI took over and continued communications as "13 yr-old"; defendant indicated he wanted to engage in sexual intercourse with "13 yr-old" and arranged to meet; arrested at the meeting place. His computer revealed contact with at least 3 actual minors. Charged with 2243(a) and 2422(b); pled guilty to 2423 in exchange for dropping 2422 charge; challenged court's failure to depart downward; appellate court dismissed for lack of jurisdiction because judge knew that she could depart downward.	2422(b); 2243(a) Not Consummated Showed up at meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. ■ Bailey,</i> 228 F.3d 637 (6 th Cir. 2000)		Internet	Defendant contacted minors through Internet; used graphic language describing how he wanted to perform oral sex on them and urged them to meet him; asked for photos of minors; admitted to trying to set up meetings for sex with other minors but said they never took place. Guilty of attempt to use the Internet to persuade, etc.	2422(b) Not Consummated
	<i>U.S. ■ Coppedge,</i> 12 Fed. Appx. 270 (6 th Cir. 2001)	Unpublished	Computer	No specific information available. Pled guilty to using computer to entice a minor & 2423(b); challenged 57 month & 3 year supervision sentence. Affirmed.	2422(b); 2423(b)
	<i>U.S. ■ Champion,</i> 248 F.3d 502 (6 th Cir. 2001)		Internet (involves kidnapping)	Internet chat room; met 13 yr-old in internet chat room while pretending to be 19 yrs-old; took her interstate; sexually molested her over 3 day period and held her against her will. Pled guilty; challenged sentence enhancement as career offender and as violent crime; court affirmed sentence.	2422(b); 2423(a); 2251(a); 2252A(4)(B) Consummated/ Force

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. ■ Humphrey,</i> 146 Fed. Appx. 1 (6 th Cir. 2005)	Unpublished	<u>Internet Sting</u>	Defendant set up a meeting through the Internet and traveled to engage in sex with "7 & 12 yr-olds & their mother". Pled guilty. Challenged sentencing; court reversed sentencing because sentence was issued under a "pre-Booker" regime.	2422(b); 2423(b) Not Consummated Showed up for meeting
	<i>U.S. ■ Salazar,</i> 185 Fed. Appx. 484 (6 th Cir. 2006)	Unpublished	Internet	Online solicitation. Consolidation of 2 cases same defendant - New Mexico & Michigan grand jury charges of 2422(a) & (b); 2423(b) & 2251. Pled guilty without reservation to challenge constitutionality of PROTECT Act. Act found constitutional and conviction affirmed.	2422(a) & (b); 2423(b); 2251(a) No Information
	<i>U.S. ■ Volungus,</i> 8 Fed. Appx. 555 (6 th Cir. 2001)	Unpublished	No Information	No information available. Indictment not accessible; no media information. Challenged application of special condition to his 3 year supervised release after serving his 53 month sentence that he not possess a computer; court affirmed because defendant agreed to the condition at pre-sentence hearing.	2422(b); 2252A No Information

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
7 th Cir.	<i>U.S. v. Mallon</i> , 345 F.3d 943 (7 th Cir. 2003)		<u>Internet Sting</u>	<p>Internet chat room; British citizen met “15 yr-old” in chat room; he repeatedly attempted to entice her into having sex with him and boasted about another relationship with a “15 yr-old” in Florida; when “15 yr-old” finally agreed defendant flew from Belfast to Chicago for that purpose; arrested in hotel when he tried to hug & kiss the agent. Police found condoms; video camera set-up to film in hotel room; at defendant’s home police found sexually graphic communications between defendant and other minors.</p> <p>Government challenged the judge’s downward departure in sentencing based on defendant’s heart condition and severely diminished capacity to make good judgments and deportable alien status; court vacated the sentence and remanded.</p>	2422(b) Not Consummated Showed up for meeting
	<i>Doe, et al. v. Smith, et al.</i> , 470 F.3d 331 (7 th Cir. 2006)			Molestation of minor student by school dean.	2422(b) Consummated

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. ■ Veazey,</i> — F.3d —, 2007 WL 1892821 (7th Cir. 2007)</p>	<p>Slip Copy for Publication</p>	<p><u>Internet</u> <u>Sting</u></p>	<p>Internet chat room “ *!SeXy HiGh SchOol HoTTiEs*” ; 48 yr-old man communicated with “15 yr-old” by Internet & later by telephone for months; very graphic sexually explicit conversations; defendant tried to teach “15 yr-old” how to seduce her friend; told her he wanted to have sex with her & her friend and wanted to take photos & make a movie; arranged to meet for sex; arrested when he showed up. Affirmed.</p>	<p>2422(b); 2423(b) Not Consummated Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p>***U.S. █ Pisman, 443 F.3d 912 (7th Cir. 2006)</p> <p>***Conspiracy charge***</p>		<p>Internet</p>	<p>25 Internet chats between defendant and co-conspirator; the two were involved in a sexual relationship & made plans for defendant to travel to meet with co-conspirators & others to engage in sex; more than one of those were minor boys. Co-conspirator had been the one to contact the minors so he was charged with 2422(b), <i>defendant was charged with conspiracy to travel under 2423(b)</i>. Jury acquitted defendant of conspiracy to travel but found him guilty of 2422(b) violation.</p> <p>Court remanded for resentencing because of court's downward departure in defendant's sentence.</p>	<p><i>Conspiracy</i> to travel ... 2423(b) and (e); Co-defendant with 2422(b)</p> <p>No Information</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. ■ Lovaas,</i> 241 F.3d 900 (7th Cir. 2001)</p>		<p><u>Internet</u> <u>Sting</u></p>	<p>Email messages with “14 yr-old” boy asked for photos and sent photos of young boys engaging in sex & sent underwear; police obtained permission to search house from wife and found over 1800 images of minors engaging in sexual activity; defendant confessed to having had prior sexual contact with other minors.</p> <p>Pled guilty to 2252; offense level based on “pattern”; defendant challenged and requested downward departure because he volunteered info about other crimes; court affirmed.</p>	<p>2422(b); 2252(a)(1) & (a)(4)(B)</p> <p>Not Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. ■ Shutic,</i> 274 F.3d 1123 (7th Cir. 2001)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room “Male for Barely Legal Female”; initiated conversation with “14 yr-old”; over 6 month period sent over 51 images of people engaged in sexual intercourse & discussed plans to meet to engage in intercourse; defendant flew from his home in OH to IN but returned home when he saw unmarked police cars; defendant attempted to meet “14 yr-old” again but was arrested when he showed up; defendant had also made contact with another “minor” and had scheduled meeting for sex.</p> <p>Pled guilty but challenged his sentence based on court’s refusal to group counts of child pornography claiming they involved the same primary victim – society. Affirmed.</p>	<p>2422(b); 2243(a); 2252A(a)(1)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Angle,</i> 234 F.3d 326 (7th Cir. 2000)</p>		<p><u>Internet Sting</u></p>	<p>Father discovered suspicious activity on son's computer and reported to the FBI; via sting operation defendant met "13 yr-old" boy online; told boy he loved him & would take care of him; sexually explicit conversations; offered to give boy money & gifts in exchange for his address & phone number; in another sting by FBI, defendant ordered sexually explicit materials involving minors & advised to hold delivery because he was going to Mexico for 8 days "to play with the boys"; arrested when he came back from Mexico.</p> <p>Appealed his sentence and conviction; sentenced to 325 months for 2252 and 120 months for 2422(b) & registration as sex offender; court affirmed but remanded for sentencing because he did not have notice regarding sex offender registration.</p>	<p>2252(a)(2); 2253(a)(4)(B); 2422(b)</p> <p>Not Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
8 th Cir.	U.S. ■ <i>Rayl</i> , 270 F.3d 709 (8 th Cir. 2001)		Internet	<p>Internet chat room; “Pen-pal” email contact initiated by defendant pretending to be 15 yr-old girl whose father was teaching her to have sex; arranged to meet underage victim in mall but defendant showed up instead & told victim that “15 yr-old” could not make it; took victim to hotel, threatened her with knife, forced her to take clothes off and took photos; showed her photos of other young girls; continued to send increasingly hostile emails trying to get her to have sex.</p> <p>Defendant appealed sufficiency of evidence, credibility of witness and also challenged government’s introduction of pediatrician that photos were of under 18 yr-olds. Affirmed.</p>	<p>2422(b); 2252(a); 2252A(a)(1) and (a)(5)(B)</p> <p>Not Consummated/Force to have victim pose for naked photos</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Dickson,</i> 149 Fed. Appx. 543 (8th Cir.)</p>	<p>Unpublished</p>	<p><u>Internet Sting</u></p>	<p>Internet chat room; IM chats between 47 yr-old man and "15 yr-old"; exchanged addresses and defendant asked "15 yr-old" to meet him in a hotel parking lot near his house; defendant told her he wanted to make love to her; when "15 yr-old" stated she had no experience defendant asked if he could teach her; arrested when he went to meet her at the hotel parking lot.</p> <p>Appealed conviction and 60 month sentence. Affirmed.</p>	<p>2422(b)</p> <p>Not Consummated</p>
	<p><i>U.S. v. Little,</i> 485 F.3d 1210 (8th Cir. 2007)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room; IM chats during which defendant arranged to have sex with minor; arrested when he showed up at the park. There was evidence that the defendant had previously attempted to engage in sex; online conversations with 12 & 13 yr-old girls prior to the sting operation that resulted in his arrest.</p> <p>The government contested his release on bail for 60 days before his self-surrender. Court vacated order and remanded for issuance of a bench warrant.</p>	<p>2422(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Blazek</i>, 431 F.3d 1104 (8th Cir. 2005)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room “male-to-male”; conversations for 15 months; gave detailed description of how he would give massage; graphic sexual conversations, discussed oral sex and suggested a 3-way with “15 yr-old’s” friend; arranged to meet for sex; arrested at meeting. Computer search revealed child pornography.</p> <p>Appealed conviction & sentence claiming not actual minor and insufficient evidence. Affirmed because attempt charge does not require actual minor. 235 month sentence affirmed because enhancement applied to use of undercover “minor victim”.</p>	<p>2422(b); 2423(b); 2252(a)(2) and (A)(4)(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. ■ Naiden,</i> 424 F.3d 718 (8th Cir. 2005)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room "IluvOlderMen"; during chats defendant asked "14 yr-old" for photos; asked if she was a virgin and if she would come to visit him where her "virginity would be over"; arranged to meet to have sex and told her they would marry in a few years; repeatedly told her that was important to keep this a secret; he sent her money for ticket; arrested when he went to pick her up at the train station.</p> <p>Challenged lower court's refusal to allow his friend to testify that he did not believe the victim was actually 14 yrs-old. Appellate court affirmed because even if it had been error not to allow testimony, which it was not, there was overwhelming evidence of his belief that she was 14 yrs-old.</p>	<p>2422(b); 2423(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. █ Hicks,</i> 457 F.3d 838 (8th Cir. 2006), overruled <i>Helder</i>, 452 F.3d 751</p>		<p><u>Internet Sting</u></p>	<p>Defendant initiated Internet conversation with “13 yr-old” followed by telephone calls; stated he was interested in having vaginal intercourse with “13 yr-old” minor & was willing to travel from FL to Kansas City; arrested when he arrived at airport.</p> <p>Government appealed dismissal of indictment. Appellate court reversed because actual minor not required.</p>	<p>2422(b); 2423(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>
	<p><i>U.S. █ D’Andrea,</i> 473 F.3d 859 (8th Cir. 2007)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room and telephone communications with “13 yr-old”; defendant made plans to travel for sex; did same with another undercover agent; many times masturbated in front of webcam; arrested at meeting place. Police found nightgown, condoms, lubricant & camera, video & computer equipment; search warrant obtained for computer revealed many other similar “chats” and child pornography.</p> <p>Defendant challenged government enhancement for “uncharged conduct” including similar other sex chats & exchange of sexually explicit photos with 12, 17 and 14 yr-old girls Appellate court affirmed sentence enhancement.</p>	<p>2422(b); 2252(b)(2)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. ■ Garate,</i> 482 F.3d 1013 (8th Cir. 2007)</p>		<p>Internet</p>	<p>Internet chat room; met 12 yr-old in chat room; communicated via Internet & telephone; traveled to have sex and did; at time arrested he was 20 & girl was 14.</p> <p>Pled guilty to 2423(b) charge & government agreed to drop 2422(b) charge; received 30 month sentence. Government appealed. Reversed due to factors such as anguish caused parents (father had warned defendant several times to leave daughter alone when he found out about the communications).</p>	<p>2422(b); 2423(b)</p> <p>Consummated</p>
	<p><i>U.S. ■ Patten,</i> 397 F.3d 1100 (8th Cir. 2005)</p>		<p>Internet Sting</p>	<p>2 Internet chat room communications & 1 telephone conversation, explicit sexual conversations; arranged to meet; arrested at meeting place.</p> <p>15 month sentence and sufficiency of evidence challenged on appeal. Affirmed.</p>	<p>2422(b); 2423(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Leach</i>, 2007 U.S. App. LEXIS 14832 (8th Cir. 2007)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room conversations with "14 yr-old"; arranged to meet for sex; arrested at airport.</p> <p>Pled guilty to 2422(b) in exchange for government dropping 2423(b) & criminal forfeiture charges; had pled guilty to attempted aggravated criminal sodomy of a 13 yr-old he had met in a chat room but had not yet been sentenced; trial court declined to apply enhancement based on state court case because sentencing had not occurred yet, enhancement would have resulted in 168-210 month sentence; defendant received 72 month sentence; government appealed. Appellate court vacated sentence and remanded for resentencing.</p>	<p>2422(b); 2423(b); 2253 (criminal forfeiture)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. █ Gleich,</i> 397 F.3d 608 (8th Cir. 2007)</p>		<p>Internet</p>	<p>12 yr-old male told police that defendant had photographed him in sexually explicit poses and had shown him photos of other children; police got a warrant & discovered 3 computers with child pornography unrelated to the offense investigation.</p> <p>Pled guilty to 2252(a)(2); sentence was enhanced under "pattern of activity involving sexual abuse"; defendant contested introduction of evidence & use of enhancement. Appellate court denied motion to suppress but vacated sentence because no "pattern" (transmitting photo of buttocks of child over the Internet was not separate sexual abuse).</p>	<p>2251(a) & ©); 2252(a)(2) & (b)(1); 2252(a)(4)(B); 2422(b)</p> <p>Consummated on porn charges - no info on 2422(b)</p>
<p>9th Cir.</p>	<p><i>U.S. █ Jahner,</i> 72 Fed. Appx. 665 (9th Cir. 2003)</p>	<p>Unpublished</p>	<p>No Information</p>	<p>No information available. Indictment not accessible; no media information.</p> <p>Defendant pled guilty to 2422(b) & 2423(b) and stipulated that he had sent photos of himself masturbating to someone he believed to be a minor; challenged introduction of the photos as prejudicial. Affirmed.</p>	<p>2422(b); 2423(b)</p> <p>No Information</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. █ Kozlowski,</i> 2007 U.S. App. LEXIS 9489 (9 th Cir. 2007)	Unpublished	<u>Internet Sting</u>	Internet chat room; 27 yr-old engaged in sexually explicit communications with "14 yr-old"; arranged to meet for sex at his hotel. Anders Brief appeal of sentence of 60 months; denied.	2422(b); 2423(b) Not Consummated
	<i>U.S. █ Messano,</i> 2005 U.S. App. LEXIS 19341 (9 th Cir. 2005);	Unpublished		Affirmed conviction in earlier case but remanded regarding resentencing because court applied sentencing guidelines as optional.	
	<i>U.S. █ Jenkins,</i> 163 Fed. Appx. 578 (9 th Cir. 2006)	Unpublished	Internet	No information available. Pled guilty to 2422(b) and 2423(b). Appealed 46 month sentence. Remanded for further proceedings.	2422(b); 2423(b); 2252(a)(4); 2253 No Information
	<i>U.S. █ Ayoub,</i> 177 Fed. Appx. 765 (9 th Cir. 2006)	Unpublished	<u>Internet Sting</u>	Defendant claimed entrapment and that he did not believe he was dealing with a minor. Conviction affirmed.	2422(b); 2423(b) Not Consummated

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. █ Weir,</i> 52 Fed. Appx. 423 (9 th Cir. 2002)	Unpublished	No Information	No information available. Indictment not accessible; no media information. 210 month sentence affirmed.	2422(b); 2251(a) & (d); 2256; 2252(a)(5)(B) No Information
	<i>U.S. █ Grenman,</i> Slip Copy, 2007 WL 841093 (9 th Cir. 2007)	Not for Publication	No Information	No information available. Appeal of sentence. Affirmed in part, vacated in part and remanded.	2422(b) No Information
	<i>U.S. █ Nisely,</i> 172 Fed. Appx. 713 (9 th Cir. 2006)	Unpublished	Internet	No information available but implication is that Internet used . Defendant convicted of 2422(b); contested supervised release which prohibited use of computer.	2422(b) No Information
	<i>U.S. █ Curtin,</i> 2007 U.S. App. LEXIS 12110 (9 th Cir. 2007)		Internet Sting	Internet chat room ; explicit sexual conversations for 4 hours; exchanged photos; defendant arranged to meet for sex with "14 yr-old". Defendant claimed that he did not believe that he was meeting a "14 yr-old"; he contested the government's introduction of 140 stories of sexual activity by minors on his PDA to prove his intent. Affirmed.	2422(b); 2423(b) Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Meek</i>, 366 F.3d 705 (9th Cir. 2004)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room contact of 14 yr-old male; had sex with 14 yr-old & posted naked photos of boy on the Internet; police took over boy's Internet account and were approached by defendant claiming he was still interested in "hooking up"; continued to seek sexual encounter with "boy" over next month discussing in graphic details sexual acts he hoped to perform on the boy; arranged to meet for sex & arrested when he did. Pled guilty to 2422(b) and challenged legality of search of his computer & alleged no violation because no "actual" minor. Conviction affirmed.</p>	<p>2422(b); 2423(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>
	<p><i>U.S. v. O'Brien</i>, 27 Fed. Appx. 882 (9th Cir. 2001)</p>	<p>Unpublished</p>	<p><u>Internet Sting</u></p>	<p>Internet chat room; initiated sexual conversations with minor; tried to entice "girl" to visit; paid for ticket for her to visit & live with him; admitted to her that he had visited "Girls and Older Guys" Internet chat room and chatted with other teenage girls. Claimed entrapment. Conviction affirmed.</p>	<p>2422(b); 2423(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>United States v. Messano</i> , 114 Fed. Appx. 785 (9th Cir. 2004)	Unpublished	<u>Internet Sting</u>	Defendant developed relationship over a period of several months on the Internet with "13 yr-old"; discussed sexually explicit activity; arranged to meet for sex; arrested when he showed up. Appellate court affirmed conviction; later sentence vacated and remanded in <i>Messano</i> , 2005 U.S. LEXIS 19341 (9th Cir. 2005) for resentencing in keeping with <i>Booker</i> .	2422(b); 2423(b) Not Consummated Showed up at meeting
	<i>U.S. v. Tashbook</i> , 144 Fed. Appx. 610 (9th Cir. 2005)	Unpublished	Internet	Defendant placed ads on Internet for his "production" company; communicated with victims by email and telephone; rented a hotel room and took photos of victim; coerced victim to engage in non-consensual explicit sex for purposes of taking photographs. Sentenced to 60 years. Conviction and sentence affirmed.	2422(b); 2423(b); 2251(a); 2252(a)(2) Consummated/Force
	<i>U.S. v. Shahin</i> , 179 Fed. Appx. 420 (9th Cir. 2006)	Unpublished	<u>Internet Sting</u>	No specific information available; defendant corresponded with undercover agent. Appealed conviction claiming legal impossibility and not real minor. Conviction affirmed.	2422(b) Not Consummated

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. v. Strater</i> , 150 Fed. Appx. 610 (9 th Cir. 2005)	Unpublished	<u>Internet Sting</u>	Internet chat room ; no specific information available. Defendant claimed entrapment. Conviction affirmed.	2422(b); 2423(b) Not Consummated
	<i>U.S. v. Schnepfer</i> , 161 Fed. Appx. 678 (9 th Cir. 2006)	Unpublished	<u>Internet Sting</u>	Internet chat room ; evidence clear defendant believed he was communicating with "minor"; attempted to entice her to fly to Hawaii to have sex; defendant claimed entrapment. Affirmed.	2422(b); 2423(b) Not Consummated
	<i>U.S. v. Curtin</i> , 443 F.3d 1084 (9 th Cir. 2006)		<u>Internet Sting</u>	<i>See</i> 2007 U.S. App. LEXIS 12110 (9 th Cir. 2007) <i>supra</i> .	
	<i>U.S. v. Anderson</i> , 2007 U.S. App. LEXIS 11856 (9 th Cir. 2007)	Unpublished	Internet	Online Internet chat, no specific information available. Conviction affirmed.	2422(b) No Information

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. v. Dhingra</i> , 371 F.3d 557 (9 th Cir. 2004)		Internet	AOL IM chats with 14 yr-old girl; sexually explicit conversations; defendant persisted in trying to arrange to meet for sex; met for sex & defendant forced 14 yr-old to have sex with him. Defendant challenged constitutionality of 2422(b). Conviction affirmed.	2422(b) Consummated/Force
	<i>U.S. v. Vail</i> , 101 Fed. Appx. 190 (9 th Cir. 2004)	Unpublished	Internet Sting	No specific information available, other than sting. Defendant appealed conviction & sentence because no "actual" minor was involved. Conviction affirmed but sentence vacated because court should have used downward departure.	2422(b); 2423(b) Not Consummated

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
10 th Cir.	U.S. ■ <i>Phillips</i> , 165 Fed. Appx. 677 (10 th Cir. 2006)	Unpublished	Telephone Pimp/ Prostitution	<p>No specific information available other than the fact that the case involved a pimp whose telephone conversations with underage prostitutes and cell phone records were obtained.</p> <p>Pled guilty to one count of 2422(b); court found facts regarding defendant's use of violence, involvement in prostitution, exertion of undue influence on a minor, his role as a leader in a criminal enterprise and his criminal history; sentenced to 125 months; challenged <i>Booker</i> error in sentencing. Appellate court affirmed, error harmless because it would provide same sentence even if Sentencing Guidelines were found unconstitutional.</p>	2422(b) and 2 Consummated Force/Pimp

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Pearl</i>, 324 F.3d 1210 (10th Cir. 2003)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room; conversations, email & telephone with “12 yr-old”; attempted to arrange to have sex from first encounter; sent photos of child porn; email followed by letters with undercover agent pretending to be “12 yr-old’s” uncle wanting to molest her; defendant arrested when he showed up for meeting with “uncle”.</p> <p>Vacated as to 2252A counts due to error in jury instructions but affirmed as to 2423 & 2422(b).</p>	<p>2252A; 2422(b); 2423</p> <p>Not Consummated</p> <p>Showed up for meeting</p>
	<p><i>U.S. v. Munro</i>, 394 F.3d 865 (10th Cir. 2005)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room communication with “13 yr-old”; told her he wanted to have oral sex with her; asked if she would like to make a “movie” together; arranged to meet at elementary school – told her to wear something sexy; arrested at the school.</p> <p>Contested sentence enhancement for “violent” crime; court affirmed because risk in sexual abuse of minor is enough to support enhancement; PROTECT Act is constitutional.</p>	<p>2422(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Sims,</i> 428 F.3d 945 (10th Cir. 2005)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room; private citizen had assumed profile of "16 & 12 yr-old" as a gag; received sexually explicit communications for 5 months from defendant as well as photos and sexually explicit images of defendant with other children; defendant arrested when he traveled to meet.</p> <p>Convicted; sentenced to 37 months & \$10,000 fine; court affirmed conviction but vacated sentence because trial court erred by using downward departure of 9 levels.</p>	<p>2422(b); 2423(b); 2252(a)(1)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>
	<p><i>U.S. v. Thomas,</i> 410 F.3d 1235 (10th Cir. 2005)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room; several online chats with undercover agent; arranged to meet but did not show; six months later online in chat room again but using different name; showed up for meeting with his 2 children in the back seat; found porno film playing on his computer and transcript of the online chat.</p> <p>First trial resulted in hung jury; but later charged by superseding indictment & sentenced to 70 months imprisonment and 5 years supervision; challenged constitutionality of 2422(b) & sentencing. Affirmed.</p>	<p>2422(b)</p> <p>Not Consummated</p> <p>Showed up for meeting but just drove around and attempted to leave</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. █ Davis,</i> 165 Fed. Appx. 586 (10th Cir. 2006)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room communications with “13 yr-old”; explicit sexual conversations; agreed to meet and arrested at meeting place.</p> <p>Found guilty by jury; challenged that “actual” minor was necessary for 2422 violation. Appellate court denied his request for Certificate of Appealability & dismissal.</p>	<p>2422(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>
	<p><i>U.S. █ Harms,</i> 371 F.3d 1208 (10th Cir. 2004)</p>		<p>Internet</p>	<p>No information available other than use of internet.</p> <p>Pled guilty to 2422(b) & 2252A; sentenced to 51 months & 2 years supervision; challenged conviction based on <i>Ashcroft █ Free Speech Coalition</i>, 122 S.Ct. 1389 (2002) finding parts of Child Protection Act unconstitutional; claimed ineffective counsel. Affirmed.</p>	<p>2422(b); 2252A</p> <p>No Information</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. █ Johnson,</i> 183 F.3d 1175 (10th Cir. 1999)</p>		<p>Internet leading to <u>Sting</u> <u>Operation</u></p>	<p>Internet chat room; defendant met on & communicated via Internet & telephone with underage male; sent items through mail; arranged to meet and had sex; victim cooperated with authorities and telephoned defendant; calls monitored; computer search revealed pornographic photos of 16 or under.</p> <p>Defendant entered one plea agreement for 2 cases but challenged sentence enhancement - sentence 27 months & 3 years supervision & \$2,875.87 restitution affirmed.</p>	<p>2422(b); 2423(b); 2252; 2253</p> <p>Consummated</p>
	<p><i>U.S. █ Byrne,</i> 171 F.3d 1231 (10th Cir. 1999)</p>		<p>Internet</p>	<p>Internet chat room; met minor; arranged to meet for sex; had sex.</p> <p>Sentence of 21 months & 3 year supervision affirmed.</p>	<p>2422(b); 2423(b)</p> <p>Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. █ Wales,</i> 127 Fed. Appx. 424 (10 th Cir. 2005)	Unpublished	<u>Internet Sting</u>	Internet chat room ; sexually explicit communications; defendant already on probation for sexual assault; when arrested he pled guilty but said he never showed up for any of the meetings he set up; just masturbated. Found guilty of attempt at bench trial and sentenced to 180 months & 3 year supervision.	2422(b); 2451(a) & (b) Not Consummated
	<i>U.S. █ Brown,</i> 126 Fed. Appx. 448 (10 th Cir. 2005)		<u>Internet Sting</u>	Internet chat room communications with "13 yr-old"; arranged to meet for sexual encounter; arrested when he went to meet "underage girl". Challenged introduction of Internet conversations as prejudicial. Appellate court affirmed – probative value outweighed prejudicial; sentenced 46 months & 3 years supervision & \$500 fine.	2422(b) Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. ■ Williams,</i> 220 Fed. Appx. 851 (10th Cir. 2007)</p>	Unpublished	<p>No Information Pimp/ Prostitution/ Force</p>	<p>Defendant was a pimp who beat and raped his prostitutes – some as young as 13 yrs-old; he threatened them and their children.</p> <p>Pled guilty to 2422(b) so that government would dismiss 6-count indictment for one single charge. Sentenced as a career offender. Appealed his sentence. Court dismissed appeal and enforced his waiver of his right to appeal.</p>	<p>2422(b); and 5 others unnamed</p> <p>Consummated/Force</p>
	<p><i>U.S. ■ Crayton,</i> 143 Fed. Appx. 77 (10th Cir. 2005)</p>	Unpublished	<p><u>Internet Sting</u></p>	<p>Internet chat room communications with “14 yr-old”; described graphic sexual activity; and sent sexual photo; masturbated in front of webcam; offered to teach “14 yr-old” about sex & to buy her a ticket to come meet him; arrested at meeting place.</p> <p>Pled guilty; court enhanced sentence because of use of computer & “victim” under 16 yrs-old & down for accepting responsibility; sentenced to 108 months. Appellate court affirmed sentence because actual under age victim not required for attempt.</p>	<p>2422(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
11 th Cir.	<p><i>U.S. v. Morton</i>, 364 F.3d 1300 (11th Cir. 2004)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room "I love older men"; communication followed by telephone calls to several "victims"; sent and requested sexually explicit photos over the Internet; told "victims" he wanted to have sex.</p> <p>Pled guilty; issue of first impression for 11th Circuit as to whether enhancement for "pattern" of abuse involving minor could be applied if no actual minor but instead undercover agent. Appellate court affirmed enhancement because pattern of activity used minor interchangeably with victim.</p>	<p>2252A; 2422(b)</p> <p>Not Consummated</p>
	<p><i>U.S. v. Manley</i>, Slip Copy, 2007 WL 1379982 (11th Cir. 2007)</p>	<p>Slip Copy Not for Publication</p>	<p><u>Internet Sting</u></p>	<p>Internet chat room communications between father of 12 yr-old boy and "mother of 12 yr-old girl"; several chats; expressed desire to engage in sex with "12 yr-old" daughter; told "mother" she could have sex with his 12 yr-old son; arranged to meet for sex & arrested when he showed up. Police found laptop, items for sexual activity & 401 photos of child porn – some of which depicted his son.</p> <p>Pled guilty to child porn. Appealed 360 months sentence. Affirmed.</p>	<p>2422(b); 2252A(a)(1) & (a)(2)(A)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. v. Evans</i> , 476 F.3d 1176 (11 th Cir. 2007)		Telephone/ Prostitution Ring	14 yr-old worked for defendant (& 2 co-defendants) as prostitute; he was pimp & arranged date for her; notified her of "dates" on her cell phone; he provided condoms manufactured overseas & imported into Ga.; she was hospitalized with AIDS; he called her from land line & induced her to return to work for him as a prostitute. Challenged application of federal statute to purely local activity. Court affirmed.	1591; 2422(b) Consummated
	<i>U.S. v. Strevell</i> , 185 Fed. Appx. 841 (11 th Cir. 2006)	Unpublished	Foreign Travel Sting	Several telephone conversations arranging for travel to Costa Rica for sex with "14 yr-old"; paid for travel; arrested at airport.	2422(b); 2423(b); 1591(a); 1594(a) Not Consummated Showed up for travel
	<i>U.S. v. Roberts</i> , 174 Fed. Appx. 475 (11 th Cir. 2006)	Unpublished	Foreign Travel Sting	Defendant responded to ad for sex travel to Costa Rica; negotiated & paid for trip to have sex in Costa Rica with 16 yr-old but cancelled; arranged instead to meet girls in US; arrested when he showed up.	2422(b); 2594(a) Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. █ Clarke,</i> 159 Fed. Appx. 128 (11 th Cir. 2005)	Unpublished	Foreign Travel Sting	No specific information available but implication is that this is a sex tourism case. Alleges entrapment; conviction affirmed.	2422(b); 2423(c); 1591(a); 1594(a) Not Consummated
	<i>U.S., Clerk █ Yost,</i> 479 F.3d 815 (11 th Cir. 2007)		<u>Internet Sting</u>	Internet chat room conversations with 3 different “girls” – all same undercover agent– in chat room; sexually explicit discussions; arranged to meet for oral sex with one “girl” but no show; arranged to meet with another & arrested when he showed up to meet her. Conviction affirmed.	2422(b) Not Consummated Showed up for meeting
	<i>U.S. █ Bolen,</i> 136 Fed. Appx. 325 (11 th Cir. 2005)	Unpublished	<u>Internet Sting</u>	Internet chat room “sex with younger”; conversations with “25 yr-old mother of 3 yr-old”; communications over several days; used telephone to finalize plans to meet. Contested conviction & 110 month sentence on grounds that 2422(b) did not apply when used intermediary to arrange for sex & did not apply to sex with fictitious infant. Conviction affirmed; sentence appeal dismissed due to waiver of right to appeal.	2422(b) Not Consummated

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. ■ Searcy,</i> 418 F.3d 1193 (11th Cir. 2005)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room; defendant's screen name was "Obsesseddad11"; informed undercover agent that he was member of father-daughter swap club; talked on telephone & arranged face-to-face meeting with agent; at meeting told agent he wanted to arrange to have sex with agent's daughter & agent could have sex with defendant's children; arrested at meeting.</p> <p>Challenged conviction & upward enhancement of his sentence for crime of violence. Affirmed.</p>	<p>2422(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES	FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Murrell</i>, 368 F.3d 1283 (11th Cir. 2004)</p>	<p><u>Internet</u> <u>Sting</u></p>	<p>Internet chat rooms "family love" & "Rent F Vry Yng"; communicated with same agent who pretended to be "mother of 13 yr-old" & "father of teen girl"; defendant expressed interest in meeting "mother & daughter" for sex; asked "father" if he was renting a daughter; continued conversations online & via telephone with "father" and arranged to meet to have oral sex & intercourse with "daughter"; agreed to pay \$300; showed up at hotel & paid the money to agent; arrested on the way to hotel room to meet "girl".</p> <p>Appealed indictment because never directly communicated with minor & sentencing enhancement to 33 months & 3 years supervision. Affirmed.</p>	<p>2422(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>
	<p><i>U.S. v. Pipkins, et al.</i>, 378 F.3d 1281 (11th Cir. 2004)</p>	<p>No Information Pimp/Prostitution</p>	<p>Pimps ran prostitution ring using under age girls; in total 15 pimps were arrested & 13 pled guilty.</p> <p>Defendants found guilty of conspiracy in violation of 1962(d); One defendant set up website for "escort service".</p> <p>One defendant sentenced to 40 yrs; other to 30 yrs. Affirmed.</p>	<p>2422(b); 1951; 1952(a)(3); 1584; 1028 & 21 USC 859; Conspiracy 1962(d) RICO</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p>***U.S. █ <i>Hornaday</i>, 392 F.3d 1306 (11th Cir. 2004)</p> <p>***<i>Conspiracy charge was error but it was harmless</i></p>		<p><u>Internet Sting</u></p>	<p>Internet chat room "Loving Families" where people communicate about having sex with children; undercover entered as "father of son & daughter"; defendant contacted agent & said he was bisexual looking for "loving family" & that he had had prior family relations & wanted more; explicit discussion about having sex with children; telephoned & arranged to meet; arrested when he showed up.</p> <p>Appealed guilty verdict. Appellate court rejected argument that he did not use the Internet to communicate directly with minor and held that conspiracy charge was error, albeit harmless, because did not abet undercover agent but that error too was harmless given the facts of the case.</p>	<p>2422(b); 18 USC 2</p> <p>Not Consummated</p> <p>***<i>Conspiracy charge was harmless error</i></p>
	<p>U.S. █ <i>Bohannon</i>, 476 F.3d 1246 (11th Cir. 2007)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room "I love older men"; defendant initiated communications with "15 yr-old"; arranged to meet to have oral & genital sex; arrested when he showed up.</p> <p>Appealed 120 month sentence. Affirmed.</p>	<p>2422(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. █ Grossman,</i> 2007 U.S. App. LEXIS 12500 (11 th Cir. 2007)	Unpublished	<u>Internet Sting</u>	Internet chat room “preteen, baby and toddler sex”; initiated communications with “31 yr-old mother of 9 yr-old”; expressed desire to meet for sex with child; arranged to meet both “mother & daughter” for sex; arrested when he arrived. Conviction affirmed.	2422(b); 2241(c) Not Consummated Showed up for meeting
	<i>U.S. █ Houston,</i> 177 Fed. Appx. 57 (11 th Cir. 2006)	Unpublished	<u>Internet Sting</u>	Internet chat room communications with “mother of 14 yr-old girl”; arranged meeting with the girl to have sex with her; arrested at meeting place. Contested 5 year sentence. Affirmed.	2422(b) Not Consummated Showed up for meeting
	<i>U.S. █ Haynes,</i> 160 Fed. Appx. 940 (11 th Cir. 2005)	Unpublished	<u>Internet Sting</u>	Internet chat room “Young Teens for Older Men”; 39 yr-old initiated chat with “14 yr-old”; sexually explicit details as to how he would like to “lick her from head to toe”; arranged to meet & suggested they have Chinese dinner & movie; arrested at meeting place; police found loaded gun; 92 rounds of ammunition; condoms & Chinese restaurant menu in his car. Sentenced to 78 months. Conviction affirmed; sentence vacated & remanded because of <i>Booker</i> error.	2422(b) Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. ■ Rojas,</i> 145 Fed. Appx. 647 (11 th Cir. 2005)	Unpublished	<u>Internet Sting</u>	No specific information available but implication is that this was internet communication with "13 yr-old" for oral sex. Challenged 2422(b) constitutionality. Conviction affirmed.	2422(b) Not Consummated
	<i>U.S. ■ Scott,</i> 426 F.3d 1324 (11 th Cir. 2005)		<u>Internet Sting</u>	Internet chat room for parents of young children to arrange for them to have sex with others; agent pretending to be "father of 6 yr-old boy & 4 yr-old girl" approached by defendant interested in having sex with the children; arranged to meet & told agent he would bring "gifts" like stuffed animals to gain the children's cooperation; arrested when he showed up at meeting place. Police found stuffed animals, chains, whips, knives, restraints & other sexual paraphernalia in his car. Pled guilty but contested his 135 month sentence. Court affirmed sentence.	2422(b); 2423(b); 2241(c) Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. █ Blas,</i> 360 F.3d 1268 (11th Cir. 2004)</p>		<p>Internet</p>	<p>48 yr-old initiated Internet communications with 14 yr-old; lied about his age at the beginning; over a period of several months defendant told 14 yr-old he was 47 yrs-old & that she was his girlfriend; told her he wanted to "make L-U-█" to her; arranged to meet for sex and did meet & have sex; defendant knew that he was HIV+ but did not tell her; 6 months later he met another 14 yr-old online; discussed sex & their relationship for hours; told her of his HIV status but said she could not catch it because of the medication he was taking; planned to visit her to have sex but he was arrested before.</p> <p>Pled guilty but contested sentence of 180 months & 70 months concurrent, \$15,000 fine, \$86 restitution & \$300 special assessment. Affirmed.</p>	<p>2422(b); 2423(b)</p> <p>Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. ■ Orrega,</i> 363 F.3d 1093 (11 th Cir. 2004)		<u>Internet Sting</u>	Internet chat room ; defendant said he was 24 yrs-old & began communication with "16 yr-old"; told her he wanted to meet to have sex but meeting never took place; few weeks later defendant again contacted "16 yr-old" & arranged to meet to have oral sex; arrested at meeting place. Court vacated & remanded because downward departure not warranted.	2422(b) Not Consummated Showed up at meeting
	<i>U.S. ■ Panfil,</i> 338 F.3d 1299 (11 th Cir. 2003)		<u>Internet Sting</u>	Internet chat room communications with "13 yr-old"; sexually explicit; told her he would give her powerful orgasms with oral sex; arranged to meet for sex; arrested at meeting place. Challenged constitutionality of 2422(b) & his sentence. Court affirmed both conviction & sentence.	2422(b) Not Consummated Showed up for meeting
	<i>U.S. ■ Miranda,</i> 348 F.3d 1322 (11 th Cir. 2003)		<u>Internet Sting</u>	Internet chat room ; conversations about having sex with "13 yr-old"; arranged to meet for sex; arrested at meeting place Government appealed sentence. Vacated & remanded.	2422(b) Not Consummated Showed up for meeting

COURT	CASES	FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Root</i>, 296 F.3d 1222 (11th Cir. 2002)</p>	<p><u>Internet Sting</u></p>	<p>Internet chat room "I Love Older Men"; defendant engaged in explicit sexual conversation with "13 yr-old student" describing sexual acts that he wanted to perform with her & have her perform on him; arranged to meet for sex and arrested when he showed up. Conviction & sentence affirmed; no need for actual minor.</p>	<p>2422(b); 2423(b); 2243 Not Consummated Showed up for meeting</p>
	<p><i>U.S. v. Burgess</i>, 175 F.3d 1261 (11th Cir. 1999)</p>	<p><u>Internet Sting</u> by private citizen</p>	<p>Internet chat room "barely legal females"; sexually explicit conversations; arranged to meet & arrested when he showed up. Appealed conviction. Conviction reversed because court failed to give cautionary jury instruction about defendant's failure to testify.</p>	<p>2422(b); 2423(b) Not Consummated Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. █ Garrett,</i> 190 F.3d 1220 (11th Cir. 1999)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room as part of police investigation of child porn; defendant contacted "15 yr-old girl"; for 2 months talked about sexual acts they would perform; sent photos of young children having sex and asked if she would perform those acts with him; gave his phone number & arranged to meet but could not make it. Search warrant obtained & police found child porn on his computer.</p> <p>Appealed sentence because expert testified that acts depicted in photos would cause pain. Affirmed.</p>	<p>2422(b); 2252(a)(2); 2252(a)(1)</p> <p>Not Consummated</p>
	<p><i>U.S. █ Tillmon,</i> 195 F.3d 640 (11th Cir. 1999)</p>		<p><u>Internet Sting</u></p>	<p>Internet communications with "14 yr-old"; defendant attempted to persuade her to meet him in motel to engage in various sexual acts; sent 3 photos of sexually explicit conduct over Internet.</p> <p>Pled guilty but contested 87 month sentence because court did not group offenses. Court said primary victim of porn is person depicted so 3 separate counts of porn.</p>	<p>2422(b); 2252(a)(1)</p> <p>Not Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. █ Rader,</i> 2007 U.S. App. LEXIS 12791 (11 th Cir. 2007)	Unpublished	<u>Internet Sting</u>	Internet conversations with undercover agent; sent videos of adults having sex with 2 to 4 yr-olds. Pled guilty but appealed 151 month sentence & \$15,000 fine. Affirmed.	2422(b); 2252(a)(1) Not Consummated
	<i>U.S. █ Watson,</i> 179 Fed. Appx. 663 (11 th Cir. 2006)	Unpublished	<u>Internet Sting</u>	57 yr-old dentist communicated with "12 yr-old girl"; sexually explicit conversations; sent her photos of girls 1-5 being raped to "show her" what they would be doing. Convicted of 2422(b) and 2252A(a)(2)(A); appealed enhancement of his sentence for over 600 images of child porn. Affirmed.	2422(b); 2252A(a)(2)(A) Not Consummated
	<i>U.S. █ Hoss,</i> 192 Fed. Appx. 867 (11 th Cir. 2006)	Unpublished	Computer	No information available. Appealed 260 month sentence. Affirmed.	2422(b); 2241(c); 2252 No Information

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. ■ Thrift</i> , 205 Fed. Appx. 816 (11 th Cir. 2006)	Unpublished	Internet	Online communications with "15 yr-old"; sexually explicit conversations and discusses traveling to have sex; uses phone to arrange for meeting; arrested when he went to meet. Appealed sentencing. Court affirmed sentencing except the lifetime supervision for possession of firearm.	2422(b); 2423(b); 922(g)(1) & (2) Not Consummated
M.D. Fla.	<i>U.S. ■ Sterba</i> , 22 F. Supp. 2d 1333 (M.D. Fla. 1998)		Internet Sting	Internet chat room. No specific details available. Indictment dismissed because of prosecutorial misconduct.	2422(b) Not Consummated
S.D. Fla.	<i>U.S. ■ McDaniel</i> , 470 F. Supp. 2d 1372 (S.D. Fla. 2007)	(Villafana case)	Internet	19 yr-old contacted 12 yr-old & communicated for 18 months; believed to be in love; traveled to meet girl who was 14 yrs-old by then and had sex; parents helped police find them at a hotel. Government introduced evidence that 2 other underage girls had had relations with defendant. Pled guilty. Court wrote opinion to explain reasons for its departure from guidelines.	2422(b); 2423(b) Consummated

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. █ Silo,</i> Slip Copy, 2007 WL 1655399 (S.D. Fla. 2007)</p>	Slip Copy	Internet	<p>Internet use. Report and recommendation that guilty plea be accepted.</p>	<p>2422(b) No Information</p>
S.D.N.Y.	<p><i>U.S. █ McDarrah,</i> 2006 U.S. Dist. LEXIS 48269 (S.D.N.Y. 2006); <i>U.S. █ McDarrah,</i> 2007 LEXIS 6590 (S.D.N.Y. 2007)</p>		<u>Internet Sting</u>	<p>FBI posted an ad on Craigslist advertising young girls for sex; defendant responded & offered money for oral sex with 13 yr-old but did not show; later defendant contacted same agent (inadvertently) pretending to be 13 yr-old girl; defendant arrested outside of home where he thought "girl" lived.</p> <p>Challenged constitutionality of 2422(b) on its face and as applied. Appellate court ruled 2422 constitutional, but allowed defendant leave to renew his motion to suppress post-arrest statements use; this is memorandum order on preliminary evidentiary issue regarding introduction of images at trial; court found binder containing 16 images recovered from defendant's computer could be presented but not CD-ROM of over 140.</p>	<p>2422(b) Not Consummated Showed up at "girl's" house</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. ■ Brand,</i> 2005 U.S. Dist. LEXIS 634 (S.D.N.Y. 2005)		Internet & telephone	No information available.	2422(b); 2423 No Information
	<i>U.S. ■ Carrasquillo,</i> 2004 U.S. Dist. LEXIS 741 (S.D.N.Y. 2004)		US Mail	No specific information available other than case involved mail from jail to minor step-son. Motion to suppress letters obtained from cell search, handwriting exemplars & expert's report. Court held that search was legal, exemplars from dictation were not testimonial once misspellings were removed but new expert required because he saw exemplars containing the spelling errors.	2422(b); 1470 (mail) Not Consummated
	<i>U.S. ■ Gagliardi,</i> 2006 U.S. Dist. LEXIS 64576 (S.D.N.Y. 2006)		<u>Internet Sting</u>	Private citizen pretended to be "13 yr-old"; defendant contacted and initiated sexually explicit conversations including asking if 13 yr-old would like to "love me for money"; communications turned over to police. Claimed entrapment and sought acquittal; court denied motion.	2422(b) Not Consummated

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
E.D. Va.	<p><i>U.S. █ Kaye</i>, 451 F. Supp. 2d 775 (E.D. Va., 2006);</p> <p><i>U.S. █ Kaye</i>, 2006 U.S. Dist. LEXIS 54281 (E.D. Va. 2006)</p>		<p>Internet Sting by private organization</p>	<p>IM communications; followed by telephone calls from 54 yr-old male to "13 yr-old boy"; sexually explicit communications; arranged to meet for sex; went to meeting & filmed by Dateline.</p> <p>Court found that use of Internet and instant message satisfied the interstate commerce component; all elements of 2422 & 2423 satisfied.</p>	<p>2422(b); 2423</p> <p>Not Consummated</p> <p>Showed up for meeting</p>
	<p><i>U.S. █ Holloman</i>, Slip Copy, 2006 WL 2796641 (E.D. Va. 2006)</p>	Slip Copy	No Information	<p>No information available. Indictment not accessible; no media information.</p> <p>Defendant sought recusal because judge served as Chairman of the Attorney General's Commission on Pornography more than 20 years earlier. Denied.</p>	<p>2422(b); 2423(b)</p> <p>No Information</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
W.D. Mo.	<p><i>U.S. ■ Hicks,</i> 2005 U.S. Dist. LEXIS 36625 (W.D. Mo. 2005)</p>		<p><u>Internet Sting</u></p>	<p>Defendant alleged to have used Internet & telephone to entice a minor; traveled to engage in sex act.</p> <p>Defendant claimed no violation of 2422(b) & 2423 because no actual minor; court agrees and defendant's motion to dismiss is granted based on <i>Helder</i>.</p>	<p>2422(b); 2423(b) Not Consummated Showed up at meeting</p>
	<p><i>U.S. ■ Helder,</i> 2005 U.S. Dist. LEXIS 38874 (W.D. Mo. 2005),<i>reversed, U.S. v. Helder</i>, 2006 U.S. App. LEXIS 15995 (8th Cir. 2006) supra</p>		<p><u>Internet Sting</u></p>	<p>No information available.</p> <p>Court held that 2422(b) requires actual under age not mere "belief" by defendant that underage; defendant discharged from pre-trial release and judgment of acquittal entered. Reversed on appeal.</p>	<p>2422(b) Not Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. ■ Spurlock,</i> 386 F. Supp. 2d 1072 (W.D. Mo. 2005)		<u>Internet Sting</u>	Internet chat room "Daughters who love daddies"; chats with "mother" of 3 kids; masturbated in front of webcam while having sexually explicit conversation with "13 yr-old daughter"; arranged to meet for sex with "13, 10 & 8 yr-old" children with their "mother" by telephone; arrested at meeting place & police found condoms, beer, DVD player & x-rated videos & duct tape. Defendant filed motion to dismiss on grounds that legally impossible because no actual minor was involved; general magistrate declined to apply <i>Helder &</i> recommended that motion be denied.	2422(b); 2423; 2253; 1470 Not Consummated Showed up for meeting
D. Me.	<i>U.S. ■ Vasquez,</i> 241 F. Supp. 2d 34 (D. Me. 2003) <i>see also</i> <i>U.S. ■ Vasquez,</i> 2003 U.S. Dist. LEXIS 2339 (D. Me. 2003) <i>infra</i>		Internet	Solicited sex from 13 yr-old using Internet ; arranged to meet for sex & traveled to meet; arrested at hotel –unclear if case initially sting operation but communications were recorded. Defendant appealed detention order; court affirmed and adopted the detention order and required pre-trial detention.	2422(b); 2423 Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. █ Vasquez</i> , 2003 U.S. Dist. LEXIS 2339 (D. Me. 2003)		No Information	No information available. Motion to exclude pre-Miranda statements and evidence from bag denied.	<i>See U.S. █ Vasquez</i> , 2003 U.S. Dist. LEXIS 2339 (D. Me. 2003) <i>infra</i>
N.D.N.Y.	<i>U.S. █ Johnson</i> , 2005 U.S. Dist. LEXIS 52 (N.D.N.Y. 2005)		Internet	Internet chat room ; 37 yr-old male met 13 yr-old; 16 yr-old and one other under 18 yrs-old and had sex with them. Affirmed at 446 F.3d 272 (2d Cir. 2006) <i>supra</i> .	2422(b); 2423(b); 2252(a)(1) & (a)(4) Consummated
	<i>In The Matter of The Herald Company, Inc.</i> , 2006 U.S. Dist. LEXIS 11930 (N.D.N.Y. 2006); underlying case <i>U.S. █ Gosek</i> , Case No. 5- 05-MJ-341 (N.D.N.Y. 2005)		Telephone	Mayor solicited 14 yr-old for sex in exchange for promise of drugs; used others to arrange for sexual encounters for him in return for drugs or money. Mayor charged with 2422(b); regarding unsealing of affidavits in support of wiretap on cellular phone.	2422(b) Consummated

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. █ Johnson,</i> 1999 U.S. Dist. LEXIS 8819 (N.D.N.Y. 1999)</p>		<p>Internet</p>	<p>Met girls (13, 16, and on under 18 yrs-old) and Internet chat room and had sex with them.</p> <p>Defendant pled guilty but challenged 88 month sentence recommendation; court imposed 88 month sentence</p> <p>Affirmed at <i>U.S. █ Johnson</i>, 446 F.3d 272 (2d Cir. 2006) <i>supra</i>.</p>	<p><i>See U.S. v. Johnson,</i> 2005 U.S. Dist. LEXIS 52</p> <p>Consummated</p>
<p>W.D. Tex.</p>	<p><i>U.S. █ Dodd,</i> 349 F. Supp. 2d 1039 (W.D. Tex. 2004)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room communications with "14 yr-old"; sent photos of himself with erect penis; arranged to meet for sex; arrested at meeting.</p> <p>Motion to suppress search warrants denied.</p>	<p>2422(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
N.D. Tex.	<p><i>U.S. █ Jackson</i>, 2002 U.S. Dist. LEXIS 6168 (N.D. Tex. 2002); <i>see</i> <i>U.S. █ Jackson</i>, 2002 U.S. LEXIS 539 (N.D. Tex. 2002) for details of facts; and <i>U.S. █ Jackson</i>, 69 Fed. Appx. 658 (5th Cir. 2003) and <i>U.S. █ Jackson</i>, 2005 U.S. Dist. LEXIS 33111 (N.D. Tex. 2005)</p>		<u>Internet Sting</u>	<p>No specific information available other than use of Internet to lure minor boys for oral sex.</p> <p>Magistrate judge recommended vacating sentence of 180 months because trial court applied enhancement for criminal sexual abuse as defined in 2241 & 2242 because prisoner's crime did not fall into the definition.</p>	<p>2422(b); 2252(a)(4)(B); 2253</p> <p>Not Consummated</p>
	<p><i>U.S. █ Jackson</i>, 2002 U.S. LEXIS 539 (N.D. Tex. 2002)</p>		<u>Internet Sting</u>	<p>Defendant placed an ad on an Internet site looking for boy to have oral sex; continued graphic conversations with "boy" for months describing sexual acts he would perform; sent porn; arranged to meet "13 yr-old boy" for sex but did not show; continued communications & arranged to meet for sex at mall, telephone confirmation; arrested when he went to meet the "boy"; police found child porn on computer.</p> <p>Motion to vacate denied.</p>	<p>2422(b)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
N.D. Ill.	<i>U.S. █ Barked</i> , 2004 U.S. Dist. LEXIS 27162 (N.D. Ill. 2004)		<u>Internet Sting</u>	Communications over Internet ; arranged to meet & traveled to meet "15 yr-old" for sex; arrested at meeting. Defendant's motion to dismiss denied.	2422(b); 2423 Not Consummated
	<i>U.S. █ Echt</i> , 2001 U.S. Dist. LEXIS 25970 (N.D. Ill. 2001)		<u>Internet Sting</u>	Defendant's motion to dismiss on ground that "knowingly" in statute applies to age of the victim denied.	2422(b) Not Consummated
S.E.N.D.	<i>U.S. █ Patten</i> , 2003 U.S. Dist. LEXIS 16072 (S.E. N.D. 2003)		Internet	Internet chat room communications with "16 yr-old"; sexually explicit conversations; arranged to meet for sex; arrested at meeting. Motion to dismiss denied.	2422(b) Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. █ Morrison,</i> 2003 WL 24054501 (S.E.N.D. 2003)</p>	<p>Unpublished</p>	<p><u>Internet Sting</u></p>	<p>Internet chat room; 29 yr-old male entered chat room communications with "16 yr-old"; discussed different sex acts with her; asked if she would come to his house to "fool around"; gave her his address and arranged for her to come; arrested by police who went to his house at the meeting time.</p> <p>Appealed his conviction on grounds that no actual minor was involved and that statute is unconstitutional. Conviction affirmed.</p>	<p>2422(b) Not Consummated</p>
<p>S.D. Miss.</p>	<p><i>U.S. █ Luxford,</i> Slip Copy, 2007 WL 1729589 (S.D. Miss. 2007)</p>	<p>Slip Copy</p>	<p>Internet</p>	<p>Defendant met 13 yr-old online; arranged to meet at the mall; when they met the "13 yr-old had brought a friend; defendant tried to get the friend to leave but she would not; defendant continued online and cell phone communications with the 13 yr-old; arranged to meet again; had oral sex; he bought condoms and they went to his hotel and had sex.</p> <p>Motion to transfer is denied.</p>	<p>2422(b) Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
D. Neb.	<p><i>U.S. █ Jackson,</i> 2007 U.S. Dist. LEXIS 33639 (D. Neb. 2007)</p> <p><i>* State Conspiracy charge dropped, no federal conspiracy</i></p>		<u>Internet Sting</u>	<p>Internet chats with "14 yr-old"; arranged to meet for sex; drove to meeting place with his daughter; left but police arrested him at his home.</p> <p><i>State charge of conspiracy of sexual assault dropped because no conspiracy charge allowed in Nebraska with undercover agent as conspirator</i></p> <p>Defendant filed motion in limine to exclude cut and paste portions of Internet conversations & motion to dismiss because of pre-indictment delay. Case dismissed because of delay.</p>	<p>2422(b) Not Consummated</p> <p>Showed up for meeting but left</p> <p><i>* State Conspiracy Dropped*</i></p>
N.D. Iowa	<p><i>U.S. █ Townsend,</i> Slip Copy, 2007 WL 1320495 (N.D. Iowa 2007)</p>	Slip Copy	Internet	Order accepting Magistrates report and recommendation to accept defendant's guilty plea.	<p>2422(b) No Information</p>
N.D. Ind.	<p><i>U.S. █ Capozzoli,</i> 2007 U.S. Dist. LEXIS 2812 (N.D. Ind. 2007)</p>		<u>Internet Sting</u>	<p>Internet conversations with "minor" followed by telephone calls; sexually explicit conversations regarding masturbation.</p> <p>Defendant ordered detained without bail.</p>	<p>2422(b) Not Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. █ Candiano,</i> 2005 U.S. Dist. LEXIS 18206 (N.D. Ind. 2005)</p>		<p><u>Internet Sting</u> by private group</p>	<p>Defendant propositioned "13 yr-old" on Internet & telephone & arranged to meet for sex 3 times; group member did not show; organization posted his chat room conversations on the Internet & he responded.</p> <p>Defendant moved to dismiss & revoke detention order; motions denied.</p>	<p>2422(b) Not Consummated</p>
	<p><i>U.S. █ Wallace,</i> 2006 U.S. Dist. LEXIS 92609 (N.D. Ind. 2006)</p>		<p><u>Internet Sting</u></p>	<p>Sexually explicit Internet communications with "13 yr-old"; masturbated in front of webcam & encouraged "minor" to do the same.</p> <p>For purpose of section 3156(a)(4)(B), 2422(b) charge is a crime of violence and creates a rebuttable presumption in favor of retention; defendant held without bond.</p>	<p>2422(b) Not Consummated</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
E.D. Pa.	<p><i>U.S. ■ Rosenberg,</i> 2004 U.S. Dist. LEXIS 19160 (E.D. Pa. 2004)</p>		<p><u>Internet Sting</u></p>	<p>58 yr-old computer instructor at public elementary school engaged in sexually explicit Internet communications with "13 yr-old" for over a year; 2 telephone conversations; arranged to meet but defendant did not show; arranged for another meeting 11 months later & arrested at the mall where they were supposed to meet.</p> <p>Allowed to be released on bail because not a flight risk.</p>	<p>2422(b) Not Consummated Showed up for meeting</p>
	<p><i>U.S. ■ Tykarsky,</i> 2004 U.S. Dist. LEXIS 2567 (E.D. Pa. 2004)</p>		<p><u>Internet Sting</u></p>	<p>Internet chat room "Iloveoldermen2" defendant initiated communications with "14 yr-old"; sexually explicit conversations over several sessions; told her he wanted to perform sexual acts with her & described in detail; made arrangements to meet for sex; arrested at the mall where they were to meet.</p> <p>Motion to suppress denied because defendant gave consent to search residence.</p>	<p>2422(b); 2423 Not Consummated Showed up for meeting</p>

COURT	CASES	FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. v. Lester</i> , 268 F. Supp. 2d 514 (E.D. Pa. 2003)	Internet	Internet chat room; high school teacher corresponded with "7 th grader" in chat room; followed by telephone conversations; sent 2 images of child porn over the Internet. Defendant motion for downward sentence departure based on diminished capacity denied.	2422(b); 2422 Not Consummated
	<i>*U.S. v. Bianchi</i> , 2006 U.S. Dist. LEXIS 90073 (E.D. Pa. 2006) <i>* Conspiracy</i>	Foreign travel	Defendant conspired to travel to Cuba, Moldova, and Romania to have sex with minors. Foreign travel; wiretapped phone & obtained phone records. Conspiracy to engage in illicit sexual conduct in foreign places in violation of 18 U.S.C. § 2423(e). Defendant seeks Jencks Act material prior to witness testifying.	2422(b); 2423 Consummated <i>* Conspiracy</i> 2423(e)

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
M.D. Pa.	<p><i>U.S. █ Garcia,</i> 2005 WL 1862409 (M.D. Pa. 2005); <i>see also U.S. █ Garcia,</i> Slip Copy, 2007 WL 986874 (3rd Cir. 2007)(Unpublished) <i>supra</i></p>	Unpublished	Internet	<p>55 yr-old man established contact with 14 yr-old on the Internet – through IM & emails; when their 14 yr-old daughter was absent from school her parents reported her missing; police found out that a man had called girl’s school to say she would not be in that day; daughter’s friend told police that the girl had been communicating regularly with a 55 yr-old from California on the Internet for 3-4 months; he had given her a cellular phone; he expressed a desire to have sexual intercourse with the girl and told her he was coming to see her; defendant picked the girl up at a bus stop and had sexual intercourse with her; when girl returned home she told police what happened</p>	<p>2422(b); 2423(b) Consummated</p>
W.D.N.C.	<p>***U.S. █ Howard, 2006 U.S. Dist. LEXIS 67214 (W.D.N.C. 2006) ***<i>Conspiracy/Pimps</i></p>		<p>No Information Pimp/ Prostitution</p>	<p>No specific information other than case involved interstate and underage prostitution, money laundering, crack distribution & firearms possession. Defendant’s motion for new trial denied.</p>	<p>2422(b); 2423; 1956 No Information ***<i>Conspiracy/ Pimps</i></p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
N.D. Ohio	<i>Chilleme ■ U.S.</i> , 2006 U.S. Dist. LEXIS 25920 (N.D. Ohio 2006) Dismissed by 2006 U.S. Dist. LEXIS 38800		<u>Internet Sting</u>	Defendant believed he was communicating with mother of "12 yr-old" and set up plans to meet for sex with both mother & daughter; traveled from Florida to Ohio to do so; arrested at meeting. Defendant pled guilty; sought habeas relief from his 60 month sentence; court will conduct evidentiary hearing.	2422(b); 2423 Not Consummated Showed up for meeting
E.D. Cal.	<i>U.S. ■ Carter</i> , 2006 U.S. Dist. LEXIS 22501 (E.D. Cal. 2006)		<u>Internet Sting</u>	Internet chat room "preteen parents who share"; defendant wants to have sex with daughter while mother watches; Internet email & chat room & telephone communications; arranged to meet & traveled to do so - arrested at airport. Motion to dismiss denied because no actual minor required; claims he did not believe that he was communicating with a minor irrelevant to attempt charge; Congress has power under commerce clause; rule of lenity not applicable because 2422(b) is not ambiguous ; 2422(b) only regulates conduct not speech.	2422(b) Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
E.D. Wis.	<p><i>U.S. █ Davidson,</i> 2006 U.S. Dist. LEXIS 95757 (E.D. Wis. 2006);</p> <p><i>U.S. █ Doyle,</i> 2007 U.S. Dist. LEXIS 11429 (E.D. Wis. 2007)</p>		<u>Internet Sting</u>	<p>Defendant pretending to be a 16 yr-old gay teen approached a "15 yr-old male teen" on the Internet; engaged in sexually explicit communications; suggested introducing the "15 yr-old" to his rich friend for "first-time" male-to-male sex; arranged to meet for sex; arrested when he showed up. Evidence that he had met other young men online.</p> <p>Constitutionality of 2423(b) upheld; neither statute requires actual minor; indictment need not specify the sexual conduct upon which it is based.</p>	<p>2422(b); 2423; 2252(a)(2) & (a)(4)(B)</p> <p>Not Consummated</p>
W.D. Va.	<p><i>U.S. █ Jabbour,</i> 2007 U.S. Dist. LEXIS 13659 (W.D. Va. 2007)</p> <p>Magistrate judge report and recommendation (adopted by 2007 U.S. Dist LEXIS18262 (W.D. Va. 2007)</p>		<u>Internet Sting</u>	<p>Numerous online chats with "mother" of young girls interested in arranging sex; arranged to have sex with girls and traveled to do so; computer revealed videos & photos of adult/infant, adult/minor, minor/animal sex.</p> <p>Magistrate recommended accepting defendant's guilty plea to 2422(b); 2252A(a)(5)(B) &(b)(2); and 2256(8)(A).</p>	<p>22422(b); 2423(b); 2252A(a)(5)(B) & (b)(2); 2256(8)(A)</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
D. Conn.	<i>U.S. █ Sweeney,</i> 2006 U.S. Dist. LEXIS 73025 (D. Conn. 2006)		<u>Internet Sting</u>	Internet chat room "Ilovemucholdermen" several explicit conversations of sadistic sexual behavior with "13 yr-old"; arranged to meet "minor" and arrested when left his home to do so. Pled guilty to 2422(b); challenged sentencing enhancements and claimed ineffective counsel; court denied all motions and refused to issue certificate of appealability and entered judgment for respondent.	2422(b) Not Consummated Attempted to show up for meeting
	<i>U.S. █ Kufrovich,</i> 997 F. Supp. 246 (D. Conn. 1997)		No Information	No information available but indicated use of telephone, internet and mail. Indictment not accessible; no media information. Pre-trial motions. Charged with using telephone wires, Internet and U.S. mail. Overruled by <i>United States █ Griffith,</i> 284 F.3d 338, 351 (2d Cir. 2002).	2422(b); 2423 No Information

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. ■ Rivera,</i> 2006 U.S. Dist. LEXIS 65971 (D. Conn. 2006)		Internet	Defendant's motion for acquittal on charge of 2252A denied.	2422(b); 2423(b); 2251(a); 2252A(a)(5)(B) Consummated
N.D. Al.	<i>U.S. ■ Powell,</i> 1 F. Supp. 2d 1419 (N.D. Ala. 1998)		Internet Sting	No information available. Motion to dismiss indictment denied.	2422(b); 2423(b) Not Consummated
W.D. La.	<i>U.S. ■ Kretser,</i> 2007 U.S. Dist. LEXIS 45441 (W.D. La. 2007)		Internet Sting	Internet chat during which defendant told "minor" they would be going to a motel for sexual activity & he would bring digital camera to take photos. Sentencing guideline range is set at 235- 293 months in light of enhancements.	2422(b) Not Consummated

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
W.D. Ill.	<i>U.S. █ Miller,</i> 102 F. Supp. 2d 946 (N.D. Ill. 2000)		<u>Internet Sting</u>	Communications with undercover agent – method not specified; arranged to meet and was arrested.	2422(b) and transporting child pornography Not Consummated
Wis.	<i>State of Wisconsin █ Robins,</i> 646 N.W. 2d 287 (Wis. 2002)		<u>Internet Sting</u>	Internet chat room; sexually explicit conversations; sent photos depicting self erect & of other minor boys masturbating; arranged to meet to have sex with “13 yr-old boy”; arrested when he went to meet. Pled guilty to 2422(b); affirmed Circuit’s order denying defendant’s motion to dismiss because crime of attempt does not require actual minor.	2422(b) Not Consummated Showed up for meeting
N.D. Ind.	<i>U.S. █ Rouhselang,</i> 2006 U.S. Dist. LEXIS 62024 (N.D. Ind. 2006)		<u>Internet Sting</u>	Met “13 yr-old” online; sexually explicit chats; admitted to having sex with another young girl; suggested he take photos; arranged to meet for oral sex; arrested at meeting place; had camera in his possession. Defendant ordered held without bond.	2422(b) Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. ■ Fuller,</i> 2006 U.S. Dist. LEXIS 63722 (N.D. Ind. 2006)		<u>Internet Sting</u>	Defendant chatted online with "13 yr-old"; agreed to drive to "girl's apartment" to engage in sexual activity; arrested when he showed up. Defendant held without bond.	2422(b) Not Consummated Showed up for meeting
	<i>U.S. ■ Davey,</i> 2006 U.S. Dist. LEXIS 92427 (N.D. Ind. 2006)		<u>Internet Sting</u>	Internet chat room communications with "15 ½ yr-old" girl; graphic sexually explicit reference to what he would like to do with her; arranged to have sex; arrested when he showed up. Court denied government request for pre-trial detention.	2422(b) Not Consummated Showed up for meeting
	<i>U.S. ■ Lohman,</i> 2006 U.S. Dist. LEXIS 79073 (N.D. Ind. 2006)		<u>Internet Sting</u>	Series of online conversations with "13 yr-old"; arranged to meet for sex; offered to bring porn film; arrested when he showed up at meeting place. Court denied defendant's motion to revoke detention order because 2422(b) constitutes a crime of violence which created a presumption of detainment.	2422(b) Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
W.D.N.Y.	<p><i>U.S. v. Friedman</i>, 2006 U.S. Dist. LEXIS 59445 (W.D.N.Y. 2006)</p>		Internet	<p>Internet communications with 14 yr-old victim trying to entice her to have sex; misrepresented his age as 18 yrs-old when in actuality he was in his 40s; he met her at a mall and took her out to the woods to have sex with her; caught by mall security</p> <p>Challenged 81 month sentence because he had no prior convictions. Court affirmed sentence because defendant did not recognize wrongfulness of his conduct.</p>	<p>2422(b); 2423(b) [miscited in case as 4243(b)]</p> <p>Consummated/Force?</p>
D. Haw.	<p><i>U.S. v. Schnepfer</i>, 302 F. Supp. 2d 1170 (D. Haw. 2004)</p>		Internet	<p>Internet used to entice minor and transfer obscene material.</p> <p>Defendant challenged constitutionality of sentencing guidelines post <i>Booker</i>; court denied defendant's motion to impose sentence without reference to sentencing guidelines.</p>	<p>1470; 2422(b)</p> <p>No Information</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
D. Kan.	<i>U.S. ■ Kelly,</i> 2000 U.S. Dist. LEXIS 5293 (D. Kan. 2000)		Internet	Although he began using computer to solicit the victim when she was 15 yrs-old government's evidence was that defendant's purpose was to engage in consensual sex when victim turned 16. Defendant's motion to dismiss counts of 2422(b) and 2423(b) granted because consensual sex with 16 yr-old is not criminal sexual conduct defined by 109A.	2422(b); 2423(b); 1512 (witness tampering) No Information
DC	<i>U.S. ■ Curtis,</i> 2005 WL 3312951 (D.D.C. 2005)	Unpublished	No Information	No information available. Indictment not accessible; no media information. Found guilty. Defendant's motion for new trial denied.	2422(b); 2423(b); 2421; 2252(a)(1); 2252(a)(1) & (a)(5)(B); 2256; 1512(b)(1)& (b)(2)(A) No Information

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
E.D. Ky.	<i>U.S. ■ Kimberly,</i> 2005 U.S. Dist. LEXIS 27955 (E.D. Ky. 2005)		Internet	Defendant met 15 yr-old on the Internet ; solicited sex from her on the Internet; arranged to meet her for sex; met her and had sex. Pled guilty. Motion to withdraw guilty plea denied.	2422(b) Consummated
D. Nev.	<i>U.S. ■ Johnson,</i> 445 F. Supp. 2d 1181 (D. Nev. 2006)		Internet Sting (by state)	Internet communications; arranged to meet for sex and meet for sex; state charges dropped but federal charges filed. Defendant contested "illegal state arrest"; Motion to suppress denied.	2252A(a)(5) (B); 2422(b) Not Consummated Showed up for meeting
D. Kan.	<i>U.S. ■ Riccardi,</i> 258 F. Supp. 2d 1212 (D. Kan. 2003)		Internet & telephone	Approached 3 different minor males; asked them to go to the woods to spank themselves while he listened on the phone; one minor complied. Police found porn at the defendant's house in a "form for distribution through the internet". Defendant found guilty & filed motion for judgment of acquittal and/or new trial, which was denied.	2252(a)(4)(B); 2422(b)

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
A.F. Ct. Crim. App.	<i>U.S. █ Filipkowski,</i> 2002 CCA LEXIS 70 (A.F. Ct. Crim. App. 2002)	Unpublished	Internet Sting	Internet chat room "M4M"; conversations with "15 yr-old male"; sexually charged conversations; arranged to meet; arrested at mall when he showed up. Appellate court affirmed conviction & 2 year sentence.	2422(b); 10 U.S.C. 890, 892 & 934 Not Consummated Showed up for meeting
	<i>U.S. █ Moffeit,</i> 2004 CCA LEXIS 55 (A.F. Ct. Crim. App. 2004)	Unpublished	Internet	Defendant set up website seeking girls 13-20 yrs-old for pagan rituals; pornographic images retrieved from his disks. Sentenced 45 months, dishonorable discharge, total forfeiture of pay. Conviction & sentence affirmed.	2422(b); 2252A; 10 U.S.C. 934 Not Consummated

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<p><i>U.S. v. Honzik</i>, 2003 CCA LEXIS 280 (A.F. Ct. Crim. App. 2003)</p>	<p>Unpublished</p>	<p><u>Internet Sting</u> by private organization</p>	<p>Internet chat room "Older Men for Younger Girls"; communicated with "13 yr-old"; sexually explicit as to what he would like to do to her; asked her to shave pubic area & arranged to meet for sex; sent info about hotel reservations & telephone number; suggested that she perform oral sex on him; drove to meet her arrested when he showed up</p> <p>Sentenced to 8 years, dishonorable discharge. Court affirmed conviction but reduced sentence to 7 years.</p>	<p>2422(b); 2252A; 10 U.S.C. 880 & 934</p> <p>Not Consummated</p> <p>Showed up for meeting</p>
	<p><i>U.S. v. Larson</i>, 64 M.J. 559 (A.F. Ct. Crim. App. 2006)</p>		<p><u>Internet Sting</u></p>	<p>Contacted "14 yr-old" through Internet instant message service; turned conversation towards sex; asked if she would meet for sex; arranged to meet for sex; arrested when he showed up.</p> <p>Sentence 9 years. Conviction affirmed but sentence reduced to 6 years.</p>	<p>2422(b); 10 U.S.C. 880, 892 & 934</p> <p>Not Consummated</p> <p>Showed up for meeting</p>

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. █ Gray,</i> 2006 CCA LEXIS 130 (A.F. Ct. Crim. App., 2006)	Unpublished	<u>Internet Sting</u>	Internet chat room conversations; propositioned "14 yr-old"; arranged to meet for sex; arrested when he went to her house. Conviction of indecent exposure set aside; all other convictions affirmed.	2422(b); 10 U.S.C. 880 & 934 Not Consummated Showed up for meeting
	<i>U.S. █ Amador,</i> 61 M.J. 619 (A.F. Ct. Crim. App. 2005)	Unpublished	<u>Internet Sting</u>	Chatted with "13 yr-old" on several occasions; arranged to meet at mall; have sex; shower & go to dinner; arrested when he showed up at the mall.	2422(b); 10 U.S.C. 920 & 934 Not Consummated Showed up for meeting
Navy- Marine Ct. Crim. App.	<i>U.S. █ Boggs,</i> 2007 CCA LEXIS 196 (-M. Ct. Crim. App. 2007)	Unpublished	<u>Internet Sting</u> by private organization	Internet chat room , email & telephone contact; sexually explicit conversations; arranged & traveled to meet for sex; arrested at meeting place. Sentenced to 8 years, dishonorable discharge & reduction in pay grade found unreasonably severe & reduced to 3 years.	2422(b); 2252A(a)(5)B); 10 U.S.C. 880 & 934 Not Consummated Showed up for meeting

COURT	CASES		FACILITY	FACTS/COMMUNICATION	CHARGE
	<i>U.S. ■ Heisler</i> , 2005 CCA LEXIS 131 (-M. Ct. Crim. App. 2005); Affirmed at <i>U.S. ■ Heisler</i> , 64 M.J. 82 (C.A.A.F. 2006)	Unpublished	<u>Internet Sting</u>	Emails with several minor boys; arranged to meet "15 yr-old boy" for sex; arrested at meeting. Appellate court affirmed conviction.	Article 134, UCMJ (which incorporates 18 U.S.C. 2422(b)) & 134; 10 U.S.C. 880 & 934 Not Consummated Showed up for meeting
	<i>U.S. ■ Proctor</i> , 2007 CCA LEXIS 187 (-M. Ct. Crim. App. 2007)	Unpublished	<u>Internet Sting</u> by private organization	19 yr-old contacted "12 yr-old" & "14 yr-old" over several months; sexually explicit conversations; arranged to meet for sex but did not show. Conviction and sentence affirmed.	2422(b); 10 U.S.C. 886, 891 & 934 Not Consummated
C.A.A.F.	<i>U.S. ■ Brooks</i> , 60 M.J. 495 (C.A.A.F. 2005)		<u>Internet</u> leading to <u>Internet</u> <u>Sting</u>	Internet chat room ; defendant initiated communications with private citizen in chat room; citizen reported to police & Internet Sting began; he continued contact & arranged to meet for sex and told her to bring "8 yr-old" neighbor; arrested in hotel where supposed to meet. Conviction affirmed.	2422(b) Not Consummated Showed up for meeting

