

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

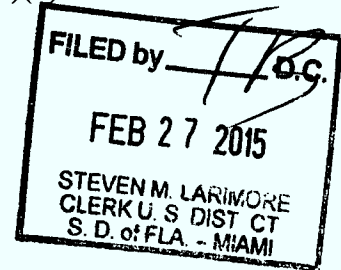
CASE NO.

15 - 20106

CR-MOORE

7 McALILEY

18 U.S.C. § 2251(a) & (e)
18 U.S.C. § 2252(a)(2) & (b)(1)
18 U.S.C. § 875(d)
18 U.S.C. § 2252(a)(4)(B) & (b)(2)
18 U.S.C. § 1519
18 U.S.C. § 2253



UNITED STATES OF AMERICA

vs.

PATRICK KILLEN, JR.,

Defendant.

INDICTMENT

The Grand Jury charges that:

COUNT 1

On or about September 1, 2013, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PATRICK KILLEN, JR.,

did employ, use, persuade, induce, entice, and coerce a minor, that is, "M.F.," a/k/a "masonlikesake," to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and that visual depiction was produced using materials, that is, an Apple MacBook Pro laptop computer, that had been mailed, shipped, and transported in interstate and foreign commerce, by any means, and such visual depiction had actually been transported and transmitted using any means and facility of interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT 2

On or about September 1, 2013, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PATRICK KILLEN, JR.,

did knowingly distribute any visual depiction, using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce, by any means, including by computer, and the production of such visual depiction involved the use of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such visual depiction was of such conduct, in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

COUNT 3

On or about September 10, 2013, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PATRICK KILLEN, JR.,

did employ, use, persuade, induce, entice, and coerce a minor, that is, "G.F.," a/k/a "frosty2499," to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and that visual depiction was produced using materials, that is, an Apple MacBook Pro laptop computer, that had been mailed, shipped, and transported in interstate and foreign commerce, by any means, and such visual depiction had actually been transported and transmitted using any means and facility of interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT 4

On or about September 10, 2013, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PATRICK KILLEN, JR.,

did, with the intent to extort from any person a thing of value, knowingly transmit in interstate and foreign commerce any communication containing any threat to injure the reputation of the addressee, that is, the defendant threatened to post photographic images of "G.F.," a/k/a "frosty2499," if "G.F." refused to send pictures of himself to the defendant, in violation of Title 18, United States Code, Section 875(d).

COUNT 5

On or about September 11, 2013, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PATRICK KILLEN, JR.,

did employ, use, persuade, induce, entice, and coerce a minor, that is, "J.C.," a/k/a "jacksoncook10," to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and that visual depiction was produced using materials, that is, an Apple MacBook Pro laptop computer, that had been mailed, shipped, and transported in interstate and foreign commerce, by any means, and such visual depiction had actually been transported and transmitted using any means and facility of interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT 6

On or about September 11, 2013, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PATRICK KILLEN, JR.,

did, with the intent to extort from any person a thing of value, knowingly transmit in interstate and foreign commerce any communication containing any threat to injure the reputation of the addressee, that is, the defendant threatened to post photographs of “J.C.,” a/k/a “Jacksoncook10,” if “J.C.” refused to send pictures of himself to the defendant, in violation of Title 18, United States Code, Section 875(d).

COUNT 7

On or about September 11, 2013, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PATRICK KILLEN, JR.,

did knowingly distribute any visual depiction, using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce, by any means, including by computer, and the production of such visual depiction involved the use of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such visual depiction was of such conduct, in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

COUNTS 8-10

On or about the date enumerated as to each count listed below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PATRICK KILLEN, JR.,

did knowingly receive any visual depiction, using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce, by any means, including by computer, and the production of such visual

depiction involved the use of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such visual depiction was of such conduct:

Count	Approximate Date
8	August 31, 2013
9	September 2, 2013
10	December 23, 2013

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

COUNT 11

On or about February 11, 2014, in Miami-Dade County, in the Southern District of Florida, the defendant,

PATRICK KILLEN, JR.,

did knowingly possess matter, that is, an Apple MacBook Pro laptop computer, which contained any visual depiction that had been shipped and transported using any means and facility of interstate and foreign commerce, and which was produced using materials which had been so shipped and transported, by any means, including by computer, and the production of such visual depiction having involved the use of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such visual depiction was of such conduct, in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and (b)(2).

Pursuant to Title 18, United States Code, Section 2252(b)(2), it is further alleged that such visual depiction involved a prepubescent minor and a minor who had not attained twelve (12) years of age.

COUNT 12

On or about February 11, 2014, in Miami-Dade County, in the Southern District of Florida, the defendant,

PATRICK KILLEN, JR.,

did knowingly possess matter, that is, a SanDisk USB flash drive, which contained any visual depiction that had been shipped and transported using any means and facility of interstate and foreign commerce, and which was produced using materials which had been so shipped and transported, by any means, and the production of such visual depiction having involved the use of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such visual depiction was of such conduct, in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and (b)(2).

COUNT 13

On or about February 11, 2014, in Miami-Dade County, in the Southern District of Florida, the defendant,

PATRICK KILLEN, JR.,

did knowingly alter, destroy, conceal, and cover up a tangible object, that is, an Apple iPhone and Kik Messenger application, with the intent to impede, obstruct, and influence the investigation and proper administration of any matter within the jurisdiction of the Federal Bureau of Investigation (FBI), an agency of the United States, in relation to and contemplation of any such matter and case, that is, the allegations set forth above in Counts 1-12 above, in violation of Title 18, United States Code, Section 1519.

FORFEITURE ALLEGATIONS

1. The allegations of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **PATRICK KILLEN, JR.**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Sections 2251 and 2252, as alleged in Counts 1 through 3, 5, 7 through 12 of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253:

(a) any visual depiction of a minor engaged in sexually explicit conduct, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110, Title 18, United States Code;

(b) any property, real or personal, constituting or traceable to gross profits or other proceeds which the defendant obtained from such violation; and

(c) any property, real or personal, used or intended to be used to commit or to promote the commission of such violation.

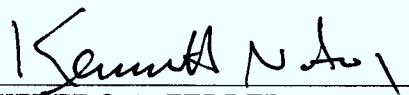
3. The property which is subject to forfeiture includes, but is not limited to, the following:

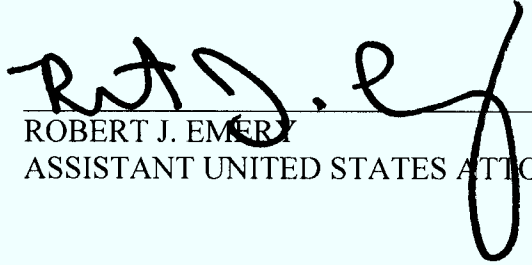
- (a) One (1) Apple MacBook Pro laptop computer;
- (b) One (1) Apple iPhone; and
- (c) One (1) SanDisk USB flash drive.

All pursuant to Title 18, United States Code, Section 2253, and the procedures set forth at Title 21, United States Code, Section 853, as made applicable by Title 18, United States Code, Section 2253(b).

A TRUE BILL,


FOREPERSON


WIFREDO A. FERRER
UNITED STATES ATTORNEY


ROBERT J. EMERY
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

PATRICK KILLEN, JR.,

Defendant.

Superseding Case Information:

Court Division: (Select One)

X Miami Key West
FTL WPB FTP

New Defendant(s) Yes No
Number of New Defendants
Total number of counts

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) No
List language and/or dialect
4. This case will take 6-8 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

- I 0 to 5 days
II 6 to 10 days
III 11 to 20 days
IV 21 to 60 days
V 61 days and over

X

Petty
Minor
Misdem.
Felony x

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge:

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes:

Magistrate Case No. _____

Related Miscellaneous numbers: _____

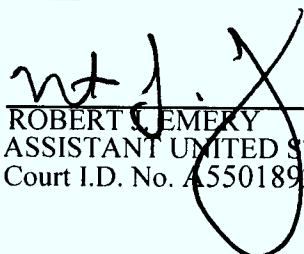
Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the District of _____

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes No x
8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes No x


ROBERT J. EMERY
ASSISTANT UNITED STATES ATTORNEY
Court I.D. No. A5501892

*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: PATRICK KILLEN, JR.

Case No: _____

Counts #:1, 3, 5

Production of Child Pornography

Title 18, United States Code, Sections 2251(a) and (e)

***Max. Penalty: 30 Years' Imprisonment**

Counts #:2, 7-10

Distribution and Receipt of Child Pornography

Title 18, United States Code, Sections 2252(a)(2) and (b)(1)

***Max. Penalty: 20 Years' Imprisonment**

Counts #: 4, 6

Interstate Threats

Title 18, United States Code, Section 875(d)

***Max. Penalty: 2 Years' Imprisonment**

Count #: 11

Possession of Child Pornography

Title 18, United States Code, Sections 2252(a)(4)(B) and (b)(2)

***Max. Penalty: 20 Years' Imprisonment**

Count #:12

Possession of Child Pornography

Title 18, United States Code, Sections 2252(a)(4)(B) and (b)(2)

***Max. Penalty:** 10 Years' Imprisonment

Count #:13

Destruction of Records of a Federal Investigation

Title 18, United States Code, Section 1519

***Max. Penalty:** 20 Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**