

FILED

FEB 20 2019

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN BOGARD,

Defendant.

§ CRIMINAL NO.SA:
§
§ INDICTMENT
§
§ [In violation of:
§ 18 U.S.C. § 2252A(a)(5)(B)
§ Possession of Child Pornography]

SA 19 CR 0106 DAE

THE GRAND JURY CHARGES:

COUNT ONE

[18 U.S.C. § 2252A(a)(5)(B)]

On or about January 25, 2019, within the Western District of Texas, the Defendant,

BENJAMIN BOGARD,

did knowingly possess material, specifically, a Huawei P20 Lite ANE-LX3 cellular phone bearing serial number KPSDU18425000143, which contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that involved a prepubescent minor, and which had been shipped and transported using any means and facility of interstate and foreign commerce, and was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, including by computer,

All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

[See Fed. R. Crim. P. 32.2]

Sexual Exploitation of Children Violations and Forfeiture Statutes

As a result of the foregoing criminal violations set forth above, the United States of America gives notice to Defendant, BENJAMIN BOGARD, of its intent to seek the forfeiture of certain

property subject to forfeiture, including but not limited to the digital and electronic devices seized by law enforcement during the investigation of this case, upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. §§ 2253(a)(1), (2), and (3), which states:

Title 18 U.S.C. § 2253. Criminal forfeiture

(a) Property subject to criminal forfeiture.-A person who is convicted of an offense under this chapter involving a visual depiction described in section 2251, 2251A, 2252, 2252A, or 2260 of this chapter or who is convicted of an offense under section 2251B of this chapter, or who is convicted of an offense under chapter 109A, shall forfeit to the United States such person's interest in-

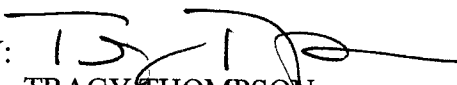
- (1) any visual depiction described in section 2251, 2251A, 2252, 2252A, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;
- (2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- (3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

A TRUE COPY

FOREPERSON OF THE GRAND JURY

JOHN F. BASH
UNITED STATES ATTORNEY

BY:


TRACY THOMPSON
Assistant United States Attorney