

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

WESLEY HAWKINS,
Defendant.

:
:
:
:
:
:
:

CRIMINAL NO. 13-244 (KBJ)

FILED

SEP 05 2013

U.S. DISTRICT COURT

STATEMENT OF OFFENSE

The parties in this case, the United States of America and the defendant, WESLEY HAWKINS, stipulate and agree that the following facts are true and accurate. These facts do not constitute all of the facts known to the parties concerning the charged offense; they are being submitted to demonstrate that sufficient facts exist that the defendant committed the offense to which he is pleading guilty, Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B).

Essential Elements

Possession of Child Pornography

The elements of the offense of Possession of Child Pornography, in violation of 18 U.S.C. 2252A(a)(5)(B), are:

- (1) The defendant knowingly possessed or accessed with intent to view material that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A);
- (2) That such child pornography:
 - (a) had been mailed; and/or

- (b) had been shipped or transported using any means or facility of interstate or foreign commerce; and/or
 - (c) had been shipped or transported in or affecting interstate or foreign commerce; and/or
 - (d) has been produced using materials that have been mailed, shipped or transported in or affecting interstate or foreign commerce, including by computer; and
- (3) The defendant knew that such items contained child pornography.

Penalties

Possession of Child Pornography in violation of 18 U.S.C. § 2252A(a)(5) carries a maximum sentence of 20 years of imprisonment pursuant to 18 U.S.C. § 2252A(b)(2), if any image involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age; a fine of \$250,000, pursuant to 18 U.S.C. § 357(d); a term of supervised release – after any period of incarceration – of not less than 5 years or life pursuant to 18 U.S.C. § 3583(k); mandatory restitution under 18 U.S.C. § 3663A; and an obligation to pay any applicable interest or penalties on fines and restitution not timely made.

Statement of Facts

Between on or about December 25, 2012, and on or about June 10, 2013, the defendant, WESLEY HAWKINS, possessed child pornography on his personal computer at his residence in Washington, D.C. On various dates during that time frame, the defendant downloaded and/or received from one or more individuals over the Internet images and videos depicting child pornography.

On or about December 25, 2012, the defendant uploaded five video files from his computer to an identified web address controlled by You Tube, Inc. The videos include: (1) two prepubescent boys masturbating each other; (2) two prepubescent boys without any clothes, with one boy using his penis to anally penetrate the other boy; (3) three prepubescent boys engaged in sexual activity with each other, including oral and anal penetration; (4) three prepubescent boys engaged in oral and anal sex with each other; (5) two prepubescent boys engaged in oral and anal sex with each other. Law enforcement learned about this upload through a Cybertipline Report (“cybertip”) from You Tube, Inc., to the National Center for Missing and Exploited Children (“NCMEC”).

On February 4, 2013, your Affiant, working in an undercover capacity (“UC”), sent an email to the defendant, at one of the email addresses identified in the first cybertip (js760151@gmail.com), stating, “Cant remember where i found you but i think we are into the same, yng, lil, boy etc.” The UC provided an online ID if the individual wanted to chat. The individual replied, “who is this.” The UC provided a name and said, “saw your email somewhere i think on image share or youtube, thought we may have similar interest, if not no worries.” The individual asked, “do u have vids to share.” During the course of the email exchange, the individual said he was 18, that he likes children ages 11 to 17, and that he has videos to share. At approximately 6:22 p.m. on February 4, 2013, the individual sent via email to the UC a video of a prepubescent male masturbating. At approximately 8:00 p.m. on February 4, 2013, the individual sent via email to the UC a video of a prepubescent male masturbating. The UC also exchanged emails with the defendant at the email address wesleyhawkins2013@hotmail.com.

On or about January 19, 2013, the defendant uploaded approximately 21 images depicting

child pornography and/or child erotica to a Skydrive account. Skydrive is a file hosting service owned by Microsoft. Skydrive allows users to upload files to cloud storage in which the uploaded files can be accessed by the user through logging into the service, but the files are stored in a data center owned by a third party. The 21 images include the following: (1) a prepubescent female child and a prepubescent male child standing next to each other without any clothes on where the female child is holding the male child's penis; (2) a male prepubescent child lying on his back with his legs in the air with an erect penis; and (3) a prepubescent male child lying on his back with his eyes closed and with his underwear pulled down to make the child's penis visible. Law enforcement learned about this activity through a cybertip from Microsoft to NCMEC.

On or about March 4, 2013, the defendant uploaded approximately 15 images depicting child pornography and/or child erotica to a Skydrive account. These files include a video of two prepubescent males engaging in sexual conduct, including what appears to be anal penetration of one male child by the other male child. Law enforcement learned about this activity through a cybertip from Microsoft to NCMEC.

On or about March 25, 2013, the defendant uploaded approximately 1 file depicting child pornography to his email account. The file contains an image of two male children, one of whom appears to be prepubescent. The prepubescent child is lying on his stomach on a bed. The other male child is on his knees straddling the prepubescent child with his penis appearing to penetrate the anus of the prepubescent child. Law enforcement learned about this activity through a cybertip from Google to NCMEC.

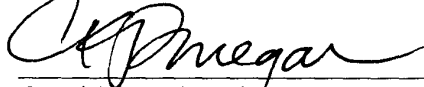
On or about June 10, 2013, law enforcement executed a search warrant at the defendant's house in Northwest Washington, D.C., and seized a cellular telephone iPhone IMEI #

990002833685140, and Toshiba Laptop S/N 8A119833A, with hard drive S/N 70QIF1YNS. A preliminary forensic analysis of the laptop led to the identification of at least 17 videos and 16 images depicting child pornography. These videos and images include:

- 24:06 minute video depicting an approximately 12 year-old male masturbating before a web camera;
- 1:57 minute video depicting an approximately 8 year-old male masturbating before a web camera;
- 11:47 minute video depicting an approximately 11 year-old male masturbating and being anally penetrated by an adult male;
- 15:19 minute video depicting two approximately 11 year-old males masturbating and performing sexual acts on each other;
- 7:51 minute video depicting an approximately 12 year-old male masturbating before a web camera.

Law enforcement officers interviewed the defendant at the time of the search. The defendant admitted that he possessed child pornography. The defendant was subsequently arrested.

Respectfully submitted,
RONALD C. MACHEN JR.
UNITED STATES ATTORNEY



Cassidy Kesler Pinegar
Assistant United States Attorney
555 Fourth Street, N.W.
Washington, D.C. 20530
(202) 252-7765
Cassidy.Pinegar@usdoj.gov

DEFENDANT'S ACKNOWLEDGMENT

I have read this Statement of the Offense and have discussed it with my attorney. I fully understand this Statement of the Offense. I agree and acknowledge by my signature that this Statement of the Offense is true and accurate. I do this voluntarily and of my own free will. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Statement of the Offense fully.

Date: 09/05/13




Wesley Hawkins
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of the Offense, and have reviewed it with my client fully. I concur in my client's desire to adopt this Statement of the Offense as true and accurate.

Date: 9/5/13



Lara Quint, Esq.
Attorney for Defendant