

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

v.

WILBER RAY CRAIN

* **CRIMINAL NO: 09-377**

* **SECTION: "B"**

* **VIOLATION: 18 U.S.C. § 2252(a)(4)(B)**
* **18 U.S.C. § 2253**

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F A C T U A L B A S I S

Should this matter proceed to trial, both the government and the defendant, **WILBER RAY CRAIN**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the government would prove the following beyond a reasonable doubt at trial:

The government would show that at all times mentioned in the Bill of Information, the defendant, **WILBER RAY CRAIN**, was a resident of the Eastern District of Louisiana, living in Franklinton, Louisiana.

The government would present evidence that on or about July 8, 2008, Special Agents from the Louisiana Department of Justice, High Technology Crime Unit, executed a search warrant, based on probable cause, for the defendant's Highway 430 home located in Franklinton, Louisiana. Agents

would testify that they recovered a computer and related computer equipment from the defendant's residence.

The government would establish through testimony and documentary evidence that **WILBER RAY CRAIN** knowingly used his computer to search for, download, and save images of child pornography. Further, the evidence and testimony would establish that a computer forensic search of **WILBER RAY CRAIN's** seized computer and related evidence revealed approximately 60 images and 8 videos depicting the sexual victimization of children.

Further, the government would introduce through law enforcement agents statements wherein **WILBER RAY CRAIN** voluntarily admitted to agents that he knowingly downloaded hundreds of images and videos of child pornography to his computer. According to **CRAIN**, he was the only person in his home who used the computer. **CRAIN** stated he uses BellSouth (now AT&T) to connect to the Internet. Agents would testify that **CRAIN** said that he searches for child pornography by typing "8 year old" and "10 year old" in the search bar. Further, agents would testify that **CRAIN** said he knew the children portrayed in the images were as young as four years old. **CRAIN** told investigators that he fantasized about having sex with a girl in one of his videos and that he masturbated while looking at images and videos of child pornography.

Forensic evidence consisting of medical testimony, law enforcement officers, and supporting documentation would establish that some of the child victims depicted in the images possessed by **CRAIN** were of real, identifiable victims, less than the age of eighteen (18) at the time the child pornography was created.

_____ Testimony would establish that some of the child victims depicted in the materials possessed by **WILBER RAY CRAIN** were of prepubescent children less than 18 years of age; to wit: less than

twelve (12) years old and that the images of the child victims were engaged in “sexually explicit conduct” as defined in Title 18, United States Code, Section 2256. These images included pictures of adult males vaginally and/or anally penetrating minor victims and minors performing oral sex on adults. All of the images of child pornography possessed by the defendant, would be introduced through the testimony of law enforcement officers.

Further, the government would present evidence that would establish that the images of child pornography had been transported in interstate and foreign commerce via computer.

Further, the government would show through testimony and documentary evidence that the equipment used by the defendant to acquire the child pornography was transported in interstate or foreign commerce.

WILBER RAY CRAIN
Defendant

DATE

ROMA KENT
Counsel for Defendant

DATE

BRIAN M. KLEBBA
Assistant United States Attorney

DATE