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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11  
12 Plaintiff,  
13 v.  
14 PAUL ROSS PACINI,  
15 Defendant.

CASE NO. 14-CR-00033-KJM  
PLEA AGREEMENT  
DATE: JUNE 22, 2015  
TIME: 9:00 A.M.  
COURT: Hon. Kimberly J. Mueller

16  
17 I. INTRODUCTION

18 A. Scope of Agreement.

19 The Indictment, 14-CR-0033, in this case charges the defendant, Paul Ross Pacini, with  
20 violations of: 18 U.S.C. § 2252(a)(2) – Receipt of Child Pornography. The Indictment also contains a  
21 forfeiture allegation. This document contains the complete plea agreement between the United States  
22 Attorney’s Office for the Eastern District of California (the “government”) and the defendant regarding  
23 this case. This Plea Agreement is limited to the United States Attorney’s Office for the Eastern District  
24 of California and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory  
25 authorities.

26 B. Court Not a Party.

27 The Court is not a party to this Plea Agreement. Sentencing is a matter solely within the  
28 discretion of the Court, and the Court may take into consideration any and all facts and circumstances

1 concerning the criminal activities of defendant, including activities which may not have been charged in  
2 the Indictment. The Court is under no obligation to accept any recommendations made by the  
3 government, and the Court may in its discretion impose any sentence it deems appropriate up to and  
4 including the statutory maximum stated in this Plea Agreement.

5 If the Court should impose any sentence up to the maximum established by the statute, the  
6 defendant cannot, for that reason alone, withdraw his guilty plea, and he will remain bound to fulfill all  
7 of the obligations under this Plea Agreement. The defendant understands that neither the prosecutor,  
8 defense counsel, nor the Court can make a binding prediction or promise regarding the sentence he will  
9 receive.

## 10 **II. DEFENDANT'S OBLIGATIONS**

### 11 **A. Guilty Plea.**

12 The defendant will plead guilty to the single-count Indictment, charging him with a violation of:  
13 18 U.S.C. § 2252(a)(2) – Receipt of Child Pornography. The defendant agrees that he is in fact guilty of  
14 that charge and that the facts set forth in the Factual Basis for Plea attached hereto as Exhibit A are  
15 accurate.

16 The defendant agrees that this Plea Agreement will be filed with the Court and become a part of  
17 the record of the case. The defendant understands and agrees that he will not be allowed to withdraw his  
18 plea(s) should the Court not follow the government's sentencing recommendations.

19 The defendant agrees that the statements made by him in signing this Agreement, including the  
20 factual admissions set forth in the factual basis, shall be admissible and useable against the defendant by  
21 the United States in any subsequent criminal or civil proceedings, even if the defendant fails to enter a  
22 guilty plea pursuant to this Agreement. The defendant waives any rights under Fed. R. Crim. P. 11(f)  
23 and Fed. R. Evid. 410, to the extent that these rules are inconsistent with this paragraph or with this  
24 Agreement generally.

### 25 **B. Restitution.**

26 The Mandatory Victim Restitution Act requires the Court to order restitution to the victims of  
27 certain offenses. The defendant agrees to pay restitution as ordered by the Court. By signing this  
28 Agreement, the defendant also agrees that the Court can order the payment of restitution for the full loss

1 caused by the defendant's wrongful conduct. The defendant agrees that the restitution order is not  
2 restricted to the amounts alleged in the specific counts to which the defendant is pleading guilty.  
3 Restitution payments shall be by cashier's or certified check made payable to the Clerk of the Court.  
4 Defendant further agrees that he will not seek to discharge any restitution obligation or any part of such  
5 obligation in any bankruptcy proceeding. Payment of restitution shall be by cashier's or certified check  
6 made payable to the Clerk of the Court.

7 **C. Fine.**

8 The defendant agrees to pay a criminal fine as ordered by the Court.

9 **D. Special Assessment.**

10 The defendant agrees to pay a special assessment of \$100 at the time of sentencing by delivering  
11 a check or money order payable to the United States District Court to the United States Probation Office  
12 immediately before the sentencing hearing. The defendant understands that this Plea Agreement is  
13 voidable at the option of the government if he fails to pay the assessment prior to that hearing. If the  
14 defendant is unable to pay the special assessment at the time of sentencing, he agrees to earn the money  
15 to pay the assessment, if necessary by participating in the Inmate Financial Responsibility Program.

16 **E. Violation of Plea Agreement by Defendant/Withdrawal of Plea.**

17 If the defendant, cooperating or not, violates this Plea Agreement in any way, withdraws his  
18 plea, or tries to withdraw his plea, this Plea Agreement is voidable at the option of the government. The  
19 government will no longer be bound by its representations to the defendant concerning the limits on  
20 criminal prosecution and sentencing as set forth herein. One way a cooperating defendant violates the  
21 plea agreement is to commit any crime or provide any statement or testimony which proves to be  
22 knowingly false, misleading, or materially incomplete. Any post-plea conduct by a defendant  
23 constituting obstruction of justice will also be a violation of the agreement. The determination whether  
24 the defendant has violated the Plea Agreement will be under a probable cause standard.

25 If the defendant violates the Plea Agreement, withdraws his plea, or tries to withdraw his plea,  
26 the government shall have the right (1) to prosecute the defendant on any of the counts to which he  
27 pleaded guilty; (2) to reinstate any counts that may be dismissed pursuant to this Plea Agreement; and  
28 (3) to file any new charges that would otherwise be barred by this Plea Agreement. The defendant shall

1 thereafter be subject to prosecution for any federal criminal violation of which the government has  
2 knowledge, including perjury, false statements, and obstruction of justice. The decision to pursue any or  
3 all of these options is solely in the discretion of the United States Attorney's Office.

4 By signing this Plea Agreement, the defendant agrees to waive any objections, motions, and  
5 defenses that the defendant might have to the government's decision. Any prosecutions that are not  
6 time-barred by the applicable statute of limitations as of the date of this Plea Agreement may be  
7 commenced in accordance with this paragraph, notwithstanding the expiration of the statute of  
8 limitations between the signing of this Plea Agreement and the commencement of any such  
9 prosecutions. The defendant agrees not to raise any objections based on the passage of time with respect  
10 to such counts including, but not limited to, any statutes of limitation or any objections based on the  
11 Speedy Trial Act or the Speedy Trial Clause of the Sixth Amendment to any counts that were not time-  
12 barred as of the date of this Plea Agreement.

13 In addition, (1) all statements made by the defendant to the government or other designated law  
14 enforcement agents, or any testimony given by the defendant before a grand jury or other tribunal,  
15 whether before or after this Plea Agreement, shall be admissible in evidence in any criminal, civil, or  
16 administrative proceedings hereafter brought against the defendant; and (2) the defendant shall assert no  
17 claim under the United States Constitution, any statute, Rule 11(f) of the Federal Rules of Criminal  
18 Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal rule, that statements made by  
19 the defendant before or after this Plea Agreement, or any leads derived therefrom, should be suppressed.  
20 By signing this Plea Agreement, the defendant waives any and all rights in the foregoing respects.

21 **F. Forfeiture.**

22 The defendant agrees to forfeit to the United States voluntarily and immediately all of his right  
23 title and interest to any and all assets subject to forfeiture pursuant to 18 U.S.C. § 2253. Those assets  
24 include, but are not limited to, the following:

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- 1           1.     one Dell laptop, serial number 34X9tG1;
- 2           2.     one Seagate external hard drive, serial number NAE0E22N1;
- 3           3.     one Western Digital hard drive, serial number WXC1A81M2831; and
- 4           4.     one laptop computer, FCC number L4PK1100X13.

5           The defendant agrees that the listed assets constitutes property involved in and used to facilitate a  
6 violation of 18 U.S.C. §2252.

7           The defendant agrees to fully assist the government in the forfeiture of the listed assets and to  
8 take whatever steps are necessary to pass clear title to the United States. The defendant shall not sell,  
9 transfer, convey, or otherwise dispose of any of his asset(s), including but not limited to, the above-listed  
10 asset(s).

11          The defendant agrees not to file a claim to any of the listed property in any civil proceeding,  
12 administrative or judicial, which may be initiated. The defendant agrees to waive his right to notice of  
13 any forfeiture proceeding involving this property, and agrees to not file a claim or assist others in filing a  
14 claim in that forfeiture proceeding.

15          The defendant knowingly and voluntarily waives his right to a jury trial on the forfeiture of  
16 assets. The defendant knowingly and voluntarily waives all constitutional, legal and equitable defenses  
17 to the forfeiture of these assets in any proceeding. The defendant agrees to waive any jeopardy defense,  
18 and agrees to waive any claim or defense under the Eighth Amendment to the United States  
19 Constitution, including any claim of excessive fine, to the forfeiture of the assets by the United States,  
20 the State of California or its subdivisions.

21          The defendant waives oral pronouncement of forfeiture at the time of sentencing, and any  
22 defenses or defects that may pertain to the forfeiture.

23           **G.     Sex Registration/DNA Testing**

24          The defendant understands and agrees that as a consequence of his conviction for the crimes to  
25 which he is pleading guilty, he will be required to register as a sex offender pursuant to the Sex Offender  
26 Registration and Notification Act (SORNA)<sup>1</sup> and the laws of the state of his residence. Failure to do so

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27  
28 <sup>1</sup> See the Adam Walsh Child Protection and Safety Act of 2006 (Walsh Act), P.L. 109-248, enacted July 27, 2006.

1 may subject him to new charges pursuant to 18 U.S.C. § 2250. The defendant also understands and  
2 agrees that as a consequence of his conviction he will be ordered to submit to the collection of his DNA.

3 **H. Asset Disclosure.**

4 The defendant agrees to make a full and complete disclosure of his assets and financial  
5 condition, and will complete the United States Attorney’s Office’s “Authorization to Release  
6 Information” and “Financial Affidavit” within five (5) weeks from the entry of the defendant’s change  
7 of plea. The defendant also agrees to have the Court enter an order to that effect. The defendant  
8 understands that this Plea Agreement is voidable at the option of the government if the defendant fails to  
9 complete truthfully and provide the described documentation to the United States Attorney’s office  
10 within the allotted time.

11 **I. Agreement to Cooperate.**

12 The defendant agrees to cooperate fully with the government and any other federal, state, or local  
13 law enforcement agency, as directed by the government. As used in this Plea Agreement, “cooperation”  
14 requires the defendant: (1) to respond truthfully and completely to all questions, whether in interviews,  
15 in correspondence, telephone conversations, before a grand jury, or at any trial or other court  
16 proceeding; (2) to attend all meetings, grand jury sessions, trials, and other proceedings at which the  
17 defendant’s presence is requested by the government or compelled by subpoena or court order; (3) to  
18 produce voluntarily any and all documents, records, or other tangible evidence requested by the  
19 government; (4) not to participate in any criminal activity while cooperating with the government; and  
20 (5) to disclose to the government the existence and status of all money, property, or assets, of any kind,  
21 derived from or acquired as a result of, or used to facilitate the commission of, the defendant’s illegal  
22 activities or the illegal activities of any conspirators.

23 **III. THE GOVERNMENT’S OBLIGATIONS**

24 **A. Recommendations.**

25 1. Incarceration Range.

26 The government will recommend that the Court sentence the defendant at the low-end of  
27 the applicable guideline range, so long as the Court determines that the defendant’s adjusted offense  
28 level is no less than the stipulations contained in this Plea Agreement.

1           2.       Acceptance of Responsibility.

2           The government will recommend a two-level reduction (if the offense level is less than  
3 16) or a three-level reduction (if the offense level reaches 16) in the computation of his offense level if  
4 the defendant clearly demonstrates acceptance of responsibility for his conduct as defined in U.S.S.G. §  
5 3E1.1. This includes the defendant meeting with and assisting the probation officer in the preparation of  
6 the pre-sentence report, being truthful and candid with the probation officer, and not otherwise engaging  
7 in conduct that constitutes obstruction of justice within the meaning of U.S.S.G § 3C1.1, either in the  
8 preparation of the pre-sentence report or during the sentencing proceeding.

9           3.       Reduction of Sentence for Cooperation.

10          The government agrees to recommend at the time of sentencing that the defendant's sentence of  
11 imprisonment be reduced by up to 25% of the applicable guideline sentence if he provides substantial  
12 assistance to the government, pursuant to U.S.S.G. § 5K1.1. The defendant understands that he must  
13 comply with paragraphs II.I and not violate this Plea Agreement as set forth in paragraph II.E herein.  
14 The defendant understands that it is within the sole and exclusive discretion of the government to  
15 determine whether the defendant has provided substantial assistance.

16          The defendant understands that the government may recommend a reduction in his sentence of  
17 less than 25%, or no reduction at all, depending upon the level of assistance the government determines  
18 that the defendant has provided.

19          The defendant further understands that a motion pursuant to U.S.S.G. § 5K1.1 is only a  
20 recommendation and is not binding on the Court, that this Plea Agreement confers no right upon the  
21 defendant to require that the government make a § 5K1.1 motion, and that this Plea Agreement confers  
22 no remedy upon the defendant in the event that the government declines to make a § 5K1.1 motion. In  
23 particular, the defendant agrees not to try to file a motion to withdraw his guilty plea(s) based on the fact  
24 that the government decides not to recommend a sentence reduction or recommends a sentence  
25 reduction less than the defendant thinks is appropriate.

26          If the government determines that the defendant has provided further cooperation within one  
27 year following sentencing, the government may move for a further reduction of his sentence pursuant to  
28 Rule 35 of the Federal Rules of Criminal Procedure.

1           **B.     Use of Information for Sentencing.**

2           The government is free to provide full and accurate information to the Court and Probation,  
3 including answering any inquiries made by the Court and/or Probation and rebutting any inaccurate  
4 statements or arguments by the defendant, his attorney, Probation, or the Court. The defendant also  
5 understands and agrees that nothing in this Plea Agreement bars the government from defending on  
6 appeal or collateral review any sentence that the Court may impose.

7           Further, other than as set forth above, the government agrees that any incriminating information  
8 the defendant might have provided during any cooperation will not be used in determining the  
9 applicable guideline range, pursuant to U.S.S.G. § 1B1.8., unless the information is used to respond to  
10 representations made to the Court by the defendant, or on his behalf, that contradict information  
11 provided by the defendant during any cooperation.

12   **IV.     ELEMENTS OF THE OFFENSE**

13           At a trial, the government would have to prove beyond a reasonable doubt the following  
14 elements of the offense to which the defendant is pleading guilty, Receipt of Child Pornography, in  
15 violation of 18 U.S.C. § 2252(a)(2):

- 16           A.     The defendant knowingly received a visual depiction of a minor engaging in sexually  
17                 explicit conduct;
- 18           B.     The receipt:
- 19                 i.    of the visual depiction used any means or facility of interstate or foreign commerce or  
20                     was in or affecting interstate commerce; or
- 21                 ii. the visual depiction was mailed, shipped, or transported in interstate commerce;
- 22           C.     The production of such visual depiction involved the use of a minor engaging in sexually  
23                 explicit conduct;
- 24           D.     That such visual depiction was of a minor engaging in sexually explicit conduct;
- 25           E.     The defendant knew that the depiction was of such conduct; and
- 26           F.     The defendant knew that at least one of the persons engaged in sexually explicit conduct  
27                 in the depiction was a minor.

28           The defendant fully understands the nature and elements of the crime charged in the superseding  
information to which he is pleading guilty, together with the possible defenses thereto, and has discussed  
them with his attorney.



1 **V. MAXIMUM SENTENCE**

2 **A. Maximum Penalties.**

3 The maximum sentence that the Court can impose on Count One is no less than 5 years and up to  
4 20 years imprisonment, a fine of \$250,000, a term of supervised release up to life, and a special  
5 assessment of \$100. By signing this Plea Agreement, the defendant also agrees that the Court can order  
6 the payment of restitution for the full loss caused by the defendant's wrongful conduct. The defendant  
7 agrees that the restitution order is not restricted to the amounts alleged in the specific counts to which he  
8 is pleading guilty. The defendant further agrees, as noted above, that he will not attempt to discharge in  
9 any present or future bankruptcy proceeding any restitution imposed by the Court.

10 **B. Violations of Supervised Release.**

11 The defendant understands that if he violates a condition of supervised release at any time during  
12 the term of supervised release, the Court may revoke the term of supervised release and require the  
13 defendant to serve not more than 5 additional years of imprisonment under 18 U.S.C. § 3583(b), (e)(3),  
14 and (k). The defendant also understand that if he commits any criminal offense under chapter 109A,  
15 110, or 117, or section 1201 or 1591, for which imprisonment for a term longer than 1 year can be  
16 imposed, the Court shall revoke the term of supervised release and require the defendant to serve a term  
17 of not less than 5 years of imprisonment under 18 U.S.C. § 3583(k).

18 **VI. SENTENCING DETERMINATION**

19 **A. Statutory Authority.**

20 The defendant understands that the Court must consult the Federal Sentencing Guidelines and  
21 must take them into account when determining a final sentence. The defendant understands that the  
22 Court will determine a non-binding and advisory guideline sentencing range for this case pursuant to the  
23 Sentencing Guidelines and must take them into account when determining a final sentence. The  
24 defendant further understands that the Court will consider whether there is a basis for departure from the  
25 guideline sentencing range (either above or below the guideline sentencing range) because there exists  
26 an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into  
27 consideration by the Sentencing Commission in formulating the Guidelines. The defendant further  
28 understands that the Court, after consultation and consideration of the Sentencing Guidelines, must

1 impose a sentence that is reasonable in light of the factors set forth in 18 U.S.C. § 3553(a).

2 **B. Stipulations Affecting Guideline Calculation.**

3 The government and the defendant agree that there is no material dispute as to the following  
4 sentencing guidelines variables and therefore stipulate to the following:

- 5 1. **Base Offense Level:** The base offense level applicable to the charge to which the  
6 defendant is pleading guilty in Count One is: **22**. See U.S.S.G. § 2G2.2.
- 7 2. **Specific Offense Characteristics:**
  - 8 a. Two levels are added (+2) because the offense involved material involving a  
9 prepubescent minor or a minor who had not yet attained the age of 12 years. Id. at  
10 (b)(2);
  - 11 b. Four levels are added (+4) because the offense involved material that portrays  
12 sadistic or masochistic conduct or other depictions of violence. Id. at (b)(4);
  - 13 c. Two levels are added (+2) because the offense involved the use of a computer. Id. at  
14 (b)(6);
  - 15 d. Five levels are added (+5) because the offense involved more than 600 images. Id.  
16 at (b)(7)(D).
- 17 3. **Adjusted Offense Level: 35.**
- 18 4. **Acceptance of Responsibility:** Three levels will be subtracted (-3) if the conditions set  
19 forth in this Agreement are satisfied. See U.S.S.G. § 3E1.1; paragraph III.B.2 above.
- 20 5. **Vulnerable Victim:** Two levels are added (+2) because the offense involved a  
21 vulnerable victim, a toddler. U.S.S.G. § 3A1.1(b); see also United States v. Holt, 510  
22 F.3d 1007 (9th Cir. 2007).
- 23 6. **Adjusted Offense Level:** Given the stipulations above, the parties anticipate that the  
24 adjusted offense level will be **34**.
- 25 7. **Criminal History:** The parties anticipate that the defendant will be in Criminal History  
26 Category I. However, the parties agree that the United States Probation Office and shall  
27 calculate defendant’s criminal history category and that calculation shall be binding on  
28 the parties.
8. **Applicable Sentencing Range:** The parties anticipate that the guideline sentencing  
range in this case will be **155 to 188 months**.
9. **Departures or Other Enhancements or Reductions:**

25 The parties stipulate and agree that they will not seek or argue in support of any specific offense  
26 characteristics, Chapter Three adjustments (other than the decrease for “Acceptance of Responsibility”),  
27 or cross-references not already set forth in this Agreement. Both parties further stipulate and agree not  
28 to move for, or argue in support of, any departure from the Sentencing Guidelines. However, the

1 defendant reserves the right to seek a deviance or variance from the Sentencing Guidelines under United  
2 States v. Booker, 543 U.S. 220 (2005) and on the basis of the factors set forth in 18 U.S.C. § 3553, but  
3 in no event shall the defendant argue for a sentence below the mandatory minimum sentence. The  
4 government reserves the right to oppose any deviance or variance, and to offer evidence at sentencing to  
5 support the government’s recommended sentence.

6 **VII. WAIVERS**

7 **A. Waiver of Constitutional Rights.**

8 The defendant understands that by pleading guilty he is waiving the following constitutional  
9 rights: (a) to plead not guilty and to persist in that plea if already made; (b) to be tried by a jury; (c) to  
10 be assisted at trial by an attorney, who would be appointed if necessary; (d) to subpoena witnesses to  
11 testify on his behalf; (e) to confront and cross-examine witnesses against him; and (f) not to be  
12 compelled to incriminate himself.

13 **B. Waiver of Appeal and Collateral Attack.**

14 The defendant understands that the law gives the defendant a right to appeal his guilty plea,  
15 conviction, and sentence. The defendant agrees as part of his pleas, however, to give up the right to  
16 appeal the guilty plea, conviction, and the sentence imposed in this case as long as the sentence does not  
17 exceed the high end of the Sentencing Guidelines range determined consistent with the stipulations set  
18 forth above about the Sentencing Guidelines variables (that is, an adjusted offense level of 34). The  
19 defendant specifically gives up the right to appeal any order of restitution the Court may impose.

20 Notwithstanding the defendant’s waiver of appeal, the defendant will retain the right to appeal if  
21 one of the following circumstances occurs: (1) the sentence imposed by the District Court exceeds the  
22 statutory maximum; and/or (2) the government appeals the sentence in the case. The defendant  
23 understands that these circumstances occur infrequently and that in almost all cases this Agreement  
24 constitutes a complete waiver of all appellate rights.

25 In addition, regardless of the sentence the defendant receives, the defendant also gives up any  
26 right to bring a collateral attack, including a motion under 28 U.S.C. § 2255 or § 2241, challenging any  
27 aspect of the guilty plea, conviction, or sentence, except for non-waivable claims.

28 Notwithstanding any agreement in paragraph III.A., above, that the government will move to

1 dismiss any remaining counts against the defendant, if the defendant ever attempts to vacate his pleas,  
2 dismiss the underlying charges, or modify or set aside his sentence on any of the Counts to which he is  
3 pleading guilty, the government shall have the rights set forth in Section II.E herein.

4 **C. Waiver of Attorneys' Fees and Costs.**

5 The defendant agrees to waive all rights under the "Hyde Amendment," Section 617, P.L. 105-  
6 119 (Nov. 26, 1997), to recover attorneys' fees or other litigation expenses in connection with the  
7 investigation and prosecution of all charges in the above-captioned matter and of any related allegations  
8 (including without limitation any charges to be dismissed pursuant to this Plea Agreement and any  
9 charges previously dismissed).

10 **D. Impact of Plea on Defendant's Immigration Status.**

11 Defendant recognizes that pleading guilty may have consequences with respect to his  
12 immigration status if he is not a citizen of the United States. Under federal law, a broad range of crimes  
13 are removable offenses, including offense(s) to which the defendant is pleading guilty. Removal and  
14 other immigration consequences are the subject of a separate proceeding, however, and defendant  
15 understands that no one, including his attorney or the district court, can predict to a certainty the effect  
16 of his conviction on his immigration status. Defendant nevertheless affirms that he wants to plead guilty  
17 regardless of any immigration consequences that his plea may entail, even if the consequence is his  
18 automatic removal from the United States.

19 **E. Sex Offender Registration.**

20 Defendant understands that by pleading guilty, defendant will be required to register as a sex  
21 offender upon his release from prison as a condition of supervised release pursuant to 18 U.S.C. §  
22 3583(d). Defendant also understands that independent of supervised release, he will be subject to  
23 federal and state sex offender registration requirements, and that those requirements may apply  
24 throughout his life. The defendant understands that he shall keep his registration current, shall notify the  
25 state sex offender registration agency or agencies of any changes to defendant's name, place of  
26 residence, employment, or student status, or other relevant information. Defendant shall comply with  
27 requirements to periodically verify in person his sex offender registration information. Defendant  
28 understands that he will be subject to possible federal and state penalties for failure to comply with any

1 such sex offender registration requirements. If he resides in California, following release from prison,  
2 he will be subject to the registration requirements of California Penal Code § 290.03-290.09. Defendant  
3 further understands that, under 18 U.S.C. § 4042(c), notice will be provided to certain law enforcement  
4 agencies upon his release from confinement following conviction. As a condition of supervised release,  
5 defendant shall initially register with the state sex offender registration in California, and shall also  
6 register with the state sex offender registration agency in any state where defendant resides, is  
7 employed, works, or is a student, as directed by the Probation Officer. The defendant shall comply with  
8 all requirements of federal and state sex offender registration laws, including the requirement to update  
9 his registration information. The defendant shall provide proof of registration to the Probation Officer  
10 within 72 hours of release from imprisonment.

11 **VIII. ENTIRE PLEA AGREEMENT**

12 Other than this Plea Agreement, no agreement, understanding, promise, or condition between the  
13 government and the defendant exists, nor will such agreement, understanding, promise, or condition  
14 exist unless it is committed to writing and signed by the defendant, counsel for the defendant, and  
15 counsel for the United States.

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1 **IX. APPROVALS AND SIGNATURES**

2 **A. Defense Counsel.**

3 I have read this Plea Agreement and have discussed it fully with my client. The Plea Agreement  
4 accurately and completely sets forth the entirety of the agreement. I concur in my client's decision to  
5 plead guilty as set forth in this Plea Agreement.

6 Dated:

7 \_\_\_\_\_  
8 KRESTA N. DALY, ESQ.  
9 Attorney for Defendant

10 **B. Defendant:**

11 I have read this Plea Agreement and carefully reviewed every part of it with my attorney. I  
12 understand it, and I voluntarily agree to it. Further, I have consulted with my attorney and fully  
13 understand my rights with respect to the provisions of the Sentencing Guidelines that may apply to my  
14 case. No other promises or inducements have been made to me, other than those contained in this Plea  
15 Agreement. In addition, no one has threatened or forced me in any way to enter into this Plea  
16 Agreement. Finally, I am satisfied with the representation of my attorney in this case.

17 Dated:

18 \_\_\_\_\_  
19 PAUL ROSS PACINI  
20 Defendant

21 **C. Attorney for United States:**

22 I accept and agree to this Plea Agreement on behalf of the government.

23 Dated:

24 BENJAMIN B. WAGNER  
25 United States Attorney

26 \_\_\_\_\_  
27 ANDRÉ M. ESPINOSA  
28 Assistant United States Attorney

**EXHIBIT "A"**  
**Factual Basis for Plea**

The parties agree that if this matter proceeded to trial, the United States would establish the following facts beyond a reasonable doubt:

Between June and August 2013, law enforcement agents with the Sacramento Internet Crimes Against Children ("ICAC") Task Force identified a computer in the residence of defendant Paul Ross Pacini ("PACINI") offering files of images of minors engaged in sexually explicit conduct (the "CP Images"). Those CP Images were being offered through an online file-sharing network that distributed images through the Internet. Between June 25, 2013, and August 23, 2013, PACINI's computer offered 304 files of suspected child pornography. Among the files being offered by PACINI were the following:

1. blonde 10yo girl and boy play sex - R@ygold - PTHC - Pedo - Hussyfan - Babyshvid - Zadoom - ChildFugga - Lolita - Kiddy - Child Porn - Illegal - Ddoggprn.jpg.mpg : this is a 3 minute, 9 second color video showing two prepubescent children engaged in sexual intercourse.
2. zooskool- (Hussyfan) (pthc) (r@ygold) (babyshvid)-K- K !!!NEW - WetB4ass (marissa) - young girl lolita pedo fuck brother(1)(1).avi: this 8 minute, 19 second color video shows two minor females engaged performing oral sex on each other.
3. (Hussyfan) (Pthc) Pedo Child Lolita.mpg: this 14 minute, 12 second video shows an adult male engaging in multiple sex acts with a prepubescent girl. At the conclusion of the video, the adult male ejaculates onto the face and chest of the victim.

On October 22, 2013, ICAC agents executed a search warrant at PACINI's residence. Located in PACINI's office were several electronic devices, including a: (i) Dell laptop, serial number 34X9tG1; (ii) Seagate external hard drive, serial number NAE0E22N1; (iii) Western Digital hard drive, serial number WXC1A81M2831; and (iv) laptop computer, FCC number L4PK1100X13. All four of these electronic devices items were forensically examined. Located on each of the electronic devices was evidence that files of child pornography had been downloaded by PACINI through an internet file-sharing service, and saved upon his computers and hard drives. All four electronic devices were manufactured outside the state of California and imported into the state prior to the downloading of images onto them by PACINI.

1 Located on PACINI's electronic devices were approximately 2,548 images and 995 videos of  
2 child pornography. Also found on PACINI's laptop computer was file-sharing software. The file  
3 creation dates for these files ranged from December 28, 2009, through October 21, 2013.

4 One video downloaded and saved by PACINI showed the sexual molestation and abuse of a  
5 toddler-aged child who is wearing only a diaper. In the 5 minute, 43 second video (Pthc OPVA 2013  
6 Rape Ultrrra.mp4), an adult female wearing only a mask over her eyes and upper face removes the  
7 victim's diaper and begins to rub ice on the child's body and genital area, causing the child to cry. Later  
8 the woman appears to penetrate the child with the ice cube, ties the child's legs to a wooden bar, hangs  
9 the child upside down from the bar, and engages in sadomasochistic conduct, including slapping and  
10 allowing candle wax to drip on the child's genitals.

11 Other files located on PACINI's electronic devices included:

- 12 1. toddler girl - 2009 private - man fingers little ass and rubs her swollen pussy.avi: this 1  
13 minute, 57 second color video shows a preschool-aged female child being digitally  
14 penetrated in her anus by an adult.
- 15 2. (Man\_Teen - z1A) 11Yo And Men Full Version - Pedo Pthc.avi: this 14 minute, 16 second  
16 video shows a naked boy who is bound with his wrists behind his back by rope orally  
17 copulate a different male's penis.

18 Law enforcement agents advised PACINI of his Miranda rights and interviewed him during the  
19 search of his residence. PACINI admitted to law enforcement that he used the file-sharing network to  
20 search for, view, and download the CP Images. PACINI admitted that he knew that CP Images files on  
21 his electronic devices showed child pornography and that at least one of the persons engaged in sexually  
22 explicit conduct in the depiction was a minor.

23 I have read and carefully reviewed the Factual Basis for Plea with my attorney. I agree that as it  
24 concerns my conduct it is correct. I also agree that if this matter proceeded to trial, the United States  
25 could establish each of the facts contained within the Factual Basis for Plea beyond a reasonable doubt,  
26 and that those facts satisfy the elements of the offense to which I am pleading guilty.

27 Dated:

28 \_\_\_\_\_  
PAUL ROSS PACINI  
Defendant