

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

2012 SEP -5 PM 3: 28  
CLERK, US DISTRICT COURT  
MIDDLE DISTRICT OF FL  
JACKSONVILLE FLORIDA

UNITED STATES OF AMERICA

v.

JOHN DAVID BAKER  
a/k/a "samanthagray762062"

CASE NO. 6:12-cr-224-DRL-36KRS  
Cts. 1&11: 18 U.S.C. § 2251(a)  
Cts. 2-10  
& 12-17: 18 U.S.C. § 2252(a)(1)  
Ct. 18: 18 U.S.C. §  
2252(a)(4)(B)  
Forfeitures: 18 U.S.C. § 2253

INDICTMENT

The Grand Jury charges:

COUNT ONE

From in or about November 2008 through January 25, 2010, in the  
Middle District of Florida, and elsewhere,

JOHN DAVID BAKER,  
a/k/a "samanthagray762062"

defendant herein, did and attempt to employ, use, persuade, induce, entice and  
coerce B. D., a minor, to engage in any sexually explicit conduct for the purpose  
of producing visual depictions of such conduct, and defendant knew and had  
reason to know that such visual depictions would be transmitted using a means  
and facility of interstate commerce, that is, by computer via the internet.

In violation of Title 18, United States Code, Sections 2251(a) and  
(e).

**COUNT TWO**

On or about March 1, 2010 at 11:07 p.m., in the Middle District of Florida, and elsewhere,

**JOHN DAVID BAKER,**

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, visual depictions, the production of which involved the use of a minor engaging in sexually explicit conduct, which visual depictions were of such conduct, and which visual depictions are specifically identified in the computer files titled "Picture0043.jpg" and "Picture0044.jpg."

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

**COUNT THREE**

On or about March 1, 2010 at 11:20 p.m., in the Middle District of Florida, and elsewhere,

**JOHN DAVID BAKER,**

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, visual depictions, the production of which involved the use of a minor engaging in

sexually explicit conduct, which visual depictions were of such conduct, and which visual depictions are specifically identified in the computer files titled "Picture0046.jpg" and "Picture0059.jpg."

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

**COUNT FOUR**

On or about March 1, 2010 at 11:54 p.m., in the Middle District of Florida, and elsewhere,

**JOHN DAVID BAKER,**

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, a visual depiction, the production of which involved the use of a minor engaging in sexually explicit conduct, which visual depiction was of such conduct, and which visual depiction is specifically identified in the computer file titled "Untitled 3.wmv."

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

**COUNT FIVE**

On or about April 23, 2010 at 4:40 p.m., in the Middle District of Florida, and elsewhere,

JOHN DAVID BAKER,

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, visual depictions, the production of which involved the use of a minor engaging in sexually explicit conduct, which visual depictions were of such conduct, and which visual depictions are specifically identified in the computer files titled "Picture0041.jpg" and "Picture0059.jpg."

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

**COUNT SIX**

On or about April 23, 2010 at 4:56 p.m., in the Middle District of Florida, and elsewhere,

JOHN DAVID BAKER,

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, a visual depiction, the production of which involved the use of a minor engaging in sexually explicit conduct, which visual depiction was of such conduct, and which

visual depiction is specifically identified in the computer file titled "0056.jpg."

*Picture 0056.jpg*

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

**COUNT SEVEN**

On or about May 6, 2010 at 11:40 a.m., in the Middle District of Florida, and elsewhere,

JOHN DAVID BAKER,

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, visual depictions, the production of which involved the use of a minor engaging in sexually explicit conduct, which visual depictions were of such conduct, and which visual depictions are specifically identified in the following computer files:

1. Picture0046.jpg;
2. Picture0056.jpg;
3. Picture0059-1.jpg;
4. Picture0044.jpg; and
5. Picture0057.jpg.

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

**COUNT EIGHT**

On or about May 7, 2010 at 10:45 a.m., in the Middle District of Florida, and elsewhere,

JOHN DAVID BAKER,

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, a visual depiction, the production of which involved the use of a minor engaging in sexually explicit conduct, which visual depiction was of such conduct, and which visual depiction is specifically identified in the computer file titled "Untitled 3.wmv.zip."

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

**COUNT NINE**

On or about May 25, 2010 at 1:01 a.m., in the Middle District of Florida, and elsewhere,

JOHN DAVID BAKER,

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, a visual depiction, the production of which involved the use of a minor engaging in

sexually explicit conduct, which visual depiction was of such conduct, and which visual depiction is specifically identified in the computer file titled

“Picture0056.jpg.”

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

**COUNT TEN**

On or about May 26, 2010 at 12:08 a.m., in the Middle District of Florida, and elsewhere,

JOHN DAVID BAKER,

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, a visual depiction, the production of which involved the use of a minor engaging in sexually explicit conduct, which visual depiction was of such conduct, and which visual depictions are specifically identified in the following computer files:

1. Picture0044.jpg; and
2. Picture0046.jpg.

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

**COUNT ELEVEN**

From in or about May 2010 through in or about July 2010, in the Middle District of Florida, and elsewhere,

JOHN DAVID BAKER,  
a/k/a "samanthagray762062,"

defendant herein, did and attempt to employ, use, persuade, induce, entice and coerce H. R., a minor, to engage in any sexually explicit conduct for the purpose of producing visual depictions of such conduct, and defendant knew and had reason to know that such visual depictions would be transmitted using a means and facility of interstate commerce, that is, by computer via the internet.

In violation of Title 18, United States Code, Sections 2251(a) and (e).

**COUNT TWELVE**

On or about August 29, 2010 at 10:07 p.m., in the Middle District of Florida, and elsewhere,

JOHN DAVID BAKER,

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, a visual depiction, the production of which involved the use of a minor engaging in sexually explicit conduct, which visual depiction was of such conduct, and which



visual depiction is specifically identified in the computer file titled  
"Picture0056.jpg."

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

**COUNT THIRTEEN**

On or about August 29, 2010 at 10:26 p.m., in the Middle District of  
Florida, and elsewhere,

**JOHN DAVID BAKER,**

defendant herein, did knowingly transport and ship, using a means and facility of  
interstate and foreign commerce, that is, by computer via the internet, visual  
depictions, the production of which involved the use of a minor engaging in  
sexually explicit conduct, which visual depictions were of such conduct, and  
which visual depictions are specifically identified in the following computer files:

1. Picture0043.jpg;
2. Picture0018.jpg; and
3. Picture0044.jpg.

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

**COUNT FOURTEEN**

On or about August 29, 2010 at 11:20 p.m., in the Middle District of Florida, and elsewhere,

**JOHN DAVID BAKER,**

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, visual depictions, the production of which involved the use of a minor engaging in sexually explicit conduct, which visual depictions were of such conduct, and which visual depictions are specifically identified in the following computer files:

1. Picture0046.jpg; and
2. Picture0059.jpg.

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

**COUNT FIFTEEN**

On or about August 29, 2010 at 11:56 p.m., in the Middle District of Florida, and elsewhere,

**JOHN DAVID BAKER,**

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, visual depictions, the production of which involved the use of a minor engaging in

sexually explicit conduct, which visual depictions were of such conduct, and which visual depictions are specifically identified in the following computer files:

1. Picture0043.jpg; and
2. Picture0044.jpg.

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

### **COUNT SIXTEEN**

On or about August 30, 2010 at 12:46 a.m., in the Middle District of Florida, and elsewhere,

JOHN DAVID BAKER,

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, visual depictions, the production of which involved the use of a minor engaging in sexually explicit conduct, which visual depictions were of such conduct, and which visual depictions are specifically identified in the following computer files:

1. Picture0059.jpg;
2. Picture0058.jpg; and
3. Picture0046.jpg.

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

**COUNT SEVENTEEN**

On or about October 1, 2010 at 1:05 a.m., in the Middle District of Florida, and elsewhere,

JOHN DAVID BAKER,

defendant herein, did knowingly transport and ship, using a means and facility of interstate and foreign commerce, that is, by computer via the internet, visual depictions, the production of which involved the use of a minor engaging in sexually explicit conduct, which visual depictions were of such conduct, and which visual depictions are specifically identified in the following computer files:

1. Picture0043.jpg; and
2. Picture0044.jpg.

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

**COUNT EIGHTEEN**

On or about January 13, 2011, at Celebration, in Osceola County, in the Middle District of Florida,

JOHN DAVID BAKER,

defendant herein, did knowingly possess one (1) or more matters which contained visual depictions which were produced using materials which have been shipped and transported in or affecting interstate and foreign commerce,

that is, a Hitachi computer hard disk drive, serial number ABCA706C, the production of which visual depictions involved the use of minors engaging in sexually explicit conduct and which visual depictions were of such conduct, and which were specifically identified in the following computer files, among others:

1. 85439e81a803abbb027cd35e8d84e470.jpg; and
2. Picture0043.jpg.

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

### **FORFEITURES**

1. The allegations contained in Counts One through Eighteen of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 2253.

2. Pursuant to Title 18, United States Code, Section 2253, upon conviction of an offense in violation of Title 18, United States Code, Sections 2251 and/or 2252, the defendant, JOHN DAVID BAKER, a/k/a "samanthagray762062," shall forfeit to the United States of America, any visual depiction described in section 2251, 2251A, or 2252, 2252A, 2252B, 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; any property, real or

personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and 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. The property to be forfeited includes, but is not limited to, an Apple MacBook laptop computer, serial number W88302CXOP4.

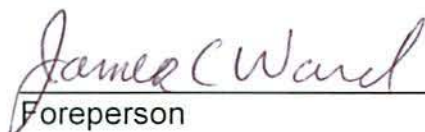
3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18,

United States Code, Section 2253(b) and Title 28, United States Code, Section 2461(c).

A TRUE BILL,

  
Foreperson

ROBERT E. O'NEILL  
United States Attorney

By:   
D. RODNEY BROWN  
Assistant United States Attorney

By:   
CARLOS A. PEREZ-IRIZARRY  
Assistant United States Attorney  
Chief, Orlando Division

No. \_\_\_\_\_

**UNITED STATES DISTRICT COURT**

Middle District of Florida  
Orlando Division

THE UNITED STATES OF AMERICA

vs.

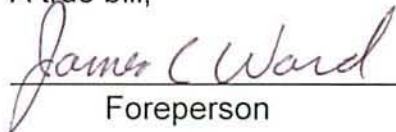
JOHN DAVID BAKER

**INDICTMENT**

Violations:

- Counts 1 & 11:            18 U.S.C. § 2251(a)
- Counts 2-10 & 12-17:    18 U.S.C. § 2252(a)(2)
- Count 18:                18 U.S.C. § 2252(a)(4)(B)

A true bill,

  
 \_\_\_\_\_  
 Foreperson

Filed in open court this 5th day

of September, 2012.

  
 \_\_\_\_\_  
 Deputy Clerk

Bail \$ \_\_\_\_\_

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