

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FILED
4/17/13
CLERK, U. S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA :
 :
 v. : CASE NO. 6:12-cr-224-Orl-36KRS
 :
 JOHN DAVID BAKER :

PLEA AGREEMENT

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by Robert E. O'Neill, United States Attorney for the Middle District of Florida, and the defendant, JOHN DAVID BAKER, and the attorney for the defendant, David Fussell, Esq., mutually agree as follows:

A. **Particularized Terms**

1. **Count(s) Pleading To**

The defendant shall enter a plea of guilty to Counts One and Eleven of the Indictment, each of which charge the defendant with production of child pornography, in violation of Title 18, United States Code, Section 2251(a).

2. **Minimum and Maximum Penalties**

Counts One and Eleven of the Indictment are each punishable by a mandatory minimum term of imprisonment of not less than 15 years and not more than 30 years, a fine of \$250,000, or both, a term of supervised release of any term of years not less than 5, or life, and a special assessment of \$100, said special assessment to be due on the date of sentencing. If the Court sentenced the

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defendant on each count consecutively, the aggregate minimum and maximum penalties would be a minimum mandatory term of imprisonment of not less than 30 years and not more than 60 years, fines totaling \$500,000, or both, a term of supervised release of any term of years not less than 10, or life, and special assessments totaling \$200. Pursuant to Title 18, United States Code, Section 3583(k), if the defendant is required to register under the Sex Offender Registration and Notification Act and commits any criminal felony offense under Title 18, United States Code, Chapters 109A, 110 or 117, or Sections 1201 or 1591, the Court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment of not less than 5 years and up to life per count. Any other violation of the terms and conditions of supervised release is punishable by a term of imprisonment of up to 3 years per count. With respect to these offenses and pursuant to Title 18, United States Code, Sections 2259, 3663A and 3664, the Court shall order the defendant to make restitution to any victim of the offense(s), and with respect to other offenses, the Court may order the defendant to make restitution to any victim of the offense(s), or to the community.

3. **Elements of the Offense(s)**

The defendant acknowledges understanding the nature and elements of the offense(s) with which defendant has been charged and to which defendant is pleading guilty. The elements of Counts One and Eleven of the Indictment are:

First: That an actual minor, that is, a real person who was less than 18 years old, was depicted;

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Second: That the defendant employed, used, persuaded, induced, enticed or coerced a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of the conduct;

Third: That the 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 commerce.

4. **Counts Dismissed**

At the time of sentencing, the remaining counts against the defendant, Counts Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, and Eighteen, will be dismissed pursuant to Fed. R. Crim. P. 11(c)(1)(A).

5. **No Further Charges**

If the Court accepts this plea agreement, the United States Attorney's Office for the Middle District of Florida agrees not to charge defendant with committing any other federal criminal offenses known to the United States Attorney's Office at the time of the execution of this agreement, related to the conduct giving rise to this plea agreement.

6. **Acceptance of Responsibility - Three Levels**

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted, the United States will recommend to the Court that the defendant receive a two-level downward adjustment for acceptance of responsibility, pursuant to USSG §3E1.1(a). The defendant understands that this recommendation or request is not binding on the

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Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

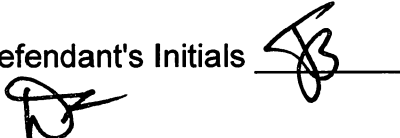
Further, at the time of sentencing, if the defendant's offense level prior to operation of subsection (a) is level 16 or greater, and if the defendant complies with the provisions of USSG §3E1.1(b) and all terms of this Plea Agreement, including but not limited to, the timely submission of the financial affidavit referenced in Paragraph B.4., the United States agrees to file a motion pursuant to USSG §3E1.1(b) for a downward adjustment of one additional level. The defendant understands that the determination as to whether the defendant has qualified for a downward adjustment of a third level for acceptance of responsibility rests solely with the United States Attorney for the Middle District of Florida, and the defendant agrees that the defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

7. **Concurrent Sentences**

The United States does not oppose a recommendation made by the defendant that the Court impose sentences for Counts One and Eleven of the Indictment that run concurrent to each other. The defendant understands that such a recommendation is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

8. **Forfeiture of Assets**

The defendant agrees forfeit to the United States immediately and voluntarily any and all assets and property, or portions thereof, subject to forfeiture,


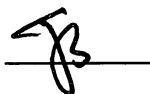
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pursuant to Title 18, United States Code, Section 2253, whether in the possession or control of the United States, the defendant or defendant's nominees. The assets to be forfeited specifically include, but are not limited to, an Apple MacBook laptop computer, serial number W88302CXOP4, which asset was used in the production, receipt, transportation and possession of child pornography.

The defendant agrees and consents to the forfeiture of these assets pursuant to any federal criminal, civil judicial or administrative forfeiture action. The defendant further herein consents to the filing of a motion by the United States for immediate entry of a Preliminary Order of Forfeiture. The defendant also hereby agrees to waive all constitutional, statutory and procedural challenges in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Plea Agreement on any grounds, including that the forfeiture described herein constitutes an excessive fine, was not properly noticed in the charging instrument, addressed by the Court at the time of the guilty plea, announced at sentencing, or incorporated into the judgment.

The defendant admits and agrees that the conduct described in the Factual Basis below provides a sufficient factual and statutory basis for the forfeiture of the property sought by the government. Pursuant to the provisions of Rule 32.2(b)(1)(A), the United States and the defendant request that promptly after accepting this Plea Agreement, the Court make a determination that the government has established the requisite nexus between the property subject to forfeiture and the offense(s) to which defendant is pleading guilty and enter a preliminary order of forfeiture. Pursuant to Rule 32.2(b)(4), the defendant agrees that the preliminary

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order of forfeiture will satisfy the notice requirement and will be final as to the defendant at the time it is entered. In the event the forfeiture is omitted from the judgment, the defendant agrees that the forfeiture order may be incorporated into the written judgment at any time pursuant to Rule 36.

The defendant agrees to take all steps necessary to identify and locate all property subject to forfeiture and to transfer custody of such property to the United States before the defendant's sentencing. The defendant agrees to be interviewed by the government, prior to and after sentencing, regarding such assets and their connection to criminal conduct. The defendant further agrees to be polygraphed on the issue of assets, if it is deemed necessary by the United States. The defendant agrees that Federal Rule of Criminal Procedure 11 and U.S.S.G. § 1B1.8 will not protect from forfeiture assets disclosed by the defendant as part of his cooperation.

The defendant agrees to take all steps necessary to assist the government in obtaining clear title to the forfeitable assets before the defendant's sentencing. In addition to providing full and complete information about forfeitable assets, these steps include, but are not limited to, the surrender of title, the signing of a consent decree of forfeiture, and signing of any other documents necessary to effectuate such transfers.

The defendant agrees that the United States is not limited to forfeiture of the property specifically identified for forfeiture in this Plea Agreement. If the United States determines that property of the defendant identified for forfeiture cannot be located upon the exercise of due diligence; has been transferred or sold

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to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty; then the United States shall, at its option, be entitled to forfeiture of any other property (substitute assets) of the defendant up to the value of any property described above. The Court shall retain jurisdiction to settle any disputes arising from application of this clause. The defendant agrees that forfeiture of substitute assets as authorized herein shall not be deemed an alteration of the defendant's sentence.

Forfeiture of the defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon the defendant in addition to forfeiture.

The defendant agrees that, in the event the Court determines that the defendant has breached this section of the Plea Agreement, the defendant may be found ineligible for a reduction in the Guidelines calculation for acceptance of responsibility and substantial assistance, and may be eligible for an obstruction of justice enhancement.

9. **Sex Offender Registration and Notification**

The defendant has been advised and understands, that under the Sex Offender Registration and Notification Act, a federal law, the defendant must register and keep the registration current in each of the following jurisdictions: the location of the defendant's residence, the location of the defendant's employment; and, if the defendant is a student, the location of the defendant's school.

Registration will require that the defendant provide information that includes name,

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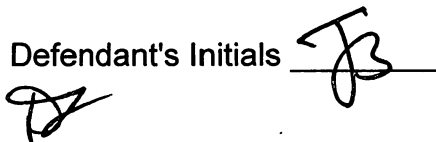

residence address, and the names and addresses of any places at which the defendant is or will be an employee or a student. The defendant understands that he must update his registrations not later than three business days after any change of name, residence, employment, or student status. The defendant understands that failure to comply with these obligations subjects the defendant to prosecution for failure to register under federal law, 18 U.S.C. § 2250, which is punishable by a fine or imprisonment, or both.

B. Standard Terms and Conditions

1. Restitution, Special Assessment and Fine

The defendant understands and agrees that the Court, in addition to or in lieu of any other penalty, shall order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663A, for all offenses described in 18 U.S.C. § 3663A(c)(1) (limited to offenses committed on or after April 24, 1996); and the Court may order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663 (limited to offenses committed on or after November 1, 1987), including restitution as to all counts charged, whether or not the defendant enters a plea of guilty to such counts, and whether or not such counts are dismissed pursuant to this agreement. On each count to which a plea of guilty is entered, the Court shall impose a special assessment, to be payable to the Clerk's Office, United States District Court, and due on date of sentencing. The defendant understands that this agreement imposes no limitation as to fine.

Defendant's Initials

The text shows two handwritten signatures. The first is a stylized signature, and the second is the initials 'JB' written over a horizontal line.

2. **Supervised Release**

The defendant understands that the offense(s) to which the defendant is pleading provide(s) for imposition of a term of supervised release upon release from imprisonment, and that, if the defendant should violate the conditions of release, the defendant would be subject to a further term of imprisonment.

3. **Sentencing Information**

The United States reserves its right and obligation to report to the Court and the United States Probation Office all information concerning the background, character, and conduct of the defendant, to provide relevant factual information, including the totality of the defendant's criminal activities, if any, not limited to the count(s) to which defendant pleads, to respond to comments made by the defendant or defendant's counsel, and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject to any limitations set forth herein, if any.

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P. 32(d)(2)(A)(ii), the defendant agrees to complete and submit, upon execution of this plea agreement, an affidavit reflecting the defendant's financial condition. The defendant further agrees, and by the execution of this plea agreement, authorizes the United States Attorney's Office to provide to, and obtain from, the United States Probation Office, the financial affidavit, any of the defendant's federal, state, and local tax returns, bank records and any other financial information concerning the


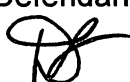
Defendant's Initials  

defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court.

4. **Financial Disclosures**

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P.

32(d)(2)(A)(ii), the defendant agrees to complete and submit to the United States Attorney's Office within 30 days of execution of this agreement an affidavit reflecting the defendant's financial condition. The defendant promises that his/her financial statement and disclosures will be complete, accurate and truthful and will include all assets in which he/she has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, dependent, nominee or other third party. The defendant further agrees to execute any documents requested by the United States needed to obtain from any third parties any records of assets owned by the defendant, directly or through a nominee, and, by the execution of this Plea Agreement, consents to the release of the defendant's tax returns for the previous five years. The defendant similarly agrees and authorizes the United States Attorney's Office to provide to, and obtain from, the United States Probation Office, the financial affidavit, any of the defendant's federal, state, and local tax returns, bank records and any other financial information concerning the defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court. The defendant expressly authorizes the United States Attorney's Office to obtain current credit reports in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

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5. **Sentencing Recommendations**

It is understood by the parties that the Court is neither a party to nor bound by this agreement. The Court may accept or reject the agreement, or defer a decision until it has had an opportunity to consider the presentence report prepared by the United States Probation Office. The defendant understands and acknowledges that, although the parties are permitted to make recommendations and present arguments to the Court, the sentence will be determined solely by the Court, with the assistance of the United States Probation Office. Defendant further understands and acknowledges that any discussions between defendant or defendant's attorney and the attorney or other agents for the government regarding any recommendations by the government are not binding on the Court and that, should any recommendations be rejected, defendant will not be permitted to withdraw defendant's plea pursuant to this plea agreement. The government expressly reserves the right to support and defend any decision that the Court may make with regard to the defendant's sentence, whether or not such decision is consistent with the government's recommendations contained herein.

6. **Defendant's Waiver of Right to Appeal the Sentence**

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the right to appeal defendant's sentence on any ground, including the ground that the Court erred in determining the applicable guidelines range pursuant to the United States Sentencing Guidelines, except (a) the ground that the sentence exceeds the

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defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines; (b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution; provided, however, that if the government exercises its right to appeal the sentence imposed, as authorized by 18 U.S.C. § 3742(b), then the defendant is released from his waiver and may appeal the sentence as authorized by 18 U.S.C. § 3742(a).

7. **Middle District of Florida Agreement**

It is further understood that this agreement is limited to the Office of the United States Attorney for the Middle District of Florida and cannot bind other federal, state, or local prosecuting authorities, although this office will bring defendant's cooperation, if any, to the attention of other prosecuting officers or others, if requested.

8. **Filing of Agreement**

This agreement shall be presented to the Court, in open court or in camera, in whole or in part, upon a showing of good cause, and filed in this cause, at the time of defendant's entry of a plea of guilty pursuant hereto.

9. **Voluntariness**

The defendant acknowledges that defendant is entering into this agreement and is pleading guilty freely and voluntarily without reliance upon any discussions between the attorney for the government and the defendant and defendant's attorney and without promise of benefit of any kind (other than the

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concessions contained herein), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges defendant's understanding of the nature of the offense or offenses to which defendant is pleading guilty and the elements thereof, including the penalties provided by law, and defendant's complete satisfaction with the representation and advice received from defendant's undersigned counsel (if any). The defendant also understands that defendant has the right to plead not guilty or to persist in that plea if it has already been made, and that defendant has the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against defendant, the right against compulsory self-incrimination, and the right to compulsory process for the attendance of witnesses to testify in defendant's defense; but, by pleading guilty, defendant waives or gives up those rights and there will be no trial. The defendant further understands that if defendant pleads guilty, the Court may ask defendant questions about the offense or offenses to which defendant pleaded, and if defendant answers those questions under oath, on the record, and in the presence of counsel (if any), defendant's answers may later be used against defendant in a prosecution for perjury or false statement. The defendant also understands that defendant will be adjudicated guilty of the offenses to which defendant has pleaded and, if any of such offenses are felonies, may thereby be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

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10. **Factual Basis**

Defendant is pleading guilty because defendant is in fact guilty. The defendant certifies that defendant does hereby admit that the facts set forth in the attached "Factual Basis," which is incorporated herein by reference, are true, and were this case to go to trial, the United States would be able to prove those specific facts and others beyond a reasonable doubt.

11. **Entire Agreement**

This plea agreement constitutes the entire agreement between the government and the defendant with respect to the aforementioned guilty plea and no other promises, agreements, or representations exist or have been made to the defendant or defendant's attorney with regard to such guilty plea.

Defendant's Initials

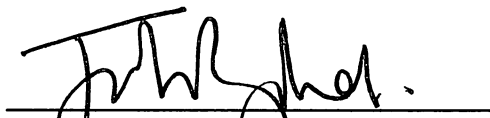
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12. **Certification**

The defendant and defendant's counsel certify that this plea agreement has been read in its entirety by (or has been read to) the defendant and that defendant fully understands its terms.

DATED this 17 day of April, 2013.

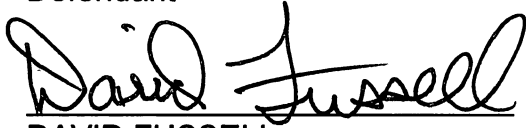
ROBERT E. O'NEILL
United States Attorney




JOHN DAVID BAKER
Defendant

By: 



D. RODNEY BROWN
Assistant United States Attorney



DAVID FUSSELL
Attorney for Defendant



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

Defendant's Initials 


UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

Case No. 6:12-cr-224-Orl-36KRS

JOHN DAVID BAKER

PERSONALIZATION OF ELEMENTS

As to Count One

1. Do you admit that an actual minor, that is, B. D., a real person who was less than 18 years old, was depicted?

2. From in or about November 2008 through January 25, 2010, in the Middle District of Florida and elsewhere, did you employ, use, persuade, induce, entice or coerce B. D., a minor, to engage in sexually explicit conduct, that is, masturbation and the lascivious exhibition of B. D.'s genitals, for the purpose of producing visual depictions of such conduct?

3. Do you admit that you 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?

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As to Count Eleven

1. Do you admit that an actual minor, that is, H. R., a real person who was less than 18 years old, was depicted?

2. From in or about May 2010 through in or about July 2010, in the Middle District of Florida and elsewhere, did you employ, use, persuade, induce, entice or coerce H. R., a minor, to engage in sexually explicit conduct, that is, masturbation and the lascivious exhibition of H. R.'s genitals, for the purpose of producing visual depictions of such conduct?

3. Do you admit that you 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?

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UNITED STATES DISTRICT
COURT MIDDLE DISTRICT OF
FLORIDA ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

Case No.6:12-cr-224-0rl-36KRS

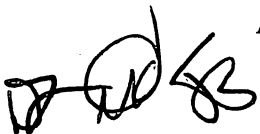
JOHN DAVID BAKER

FACTUAL BASIS

Beginning in or about November 2008, and continuing until in or about August 2010, in the Middle District of Florida and elsewhere, Defendant, John David Baker, used computers and interactive computer services to engage in online conversations over the internet with several minor children. During this same period, Baker was an actor and helped train and audition adults and children who were attempting to enter or further a career in the entertainment business. During the same period Baker served as a talent judge for a talent competition in Florida. In this role, Baker met numerous minor children who were auditioning to obtain work in the art and film industries.

During this time period Baker obtained pornographic images over the internet of at least one minor female, and used these images to establish a fictitious personae for himself, that of a 15 year old female named "S. G." Baker obtained personal information about this minor and used it to make online contact with her over the internet through social networking websites. During this period, Baker persuaded at least two minor children to send him, by computer via the Internet, images and videos of themselves engaging in sexually explicit conduct.

After conducting an preliminary investigation of Baker based on a complaint



from a concerned parent of a child that Baker had contacted online, on January 13, 2011, U.S. Department of Homeland Security, Homeland Security Investigations Task Force Officer (TFO) G. Snyder and Florida Attorney General's Office Investigator S. Brenton interviewed Baker at his residence in Celebration, Florida. During this interview, Baker was advised of the pending investigation. Baker acknowledged that he had been confronted by the director of the talent competition about his inappropriate online contact with minors. He admitted in that first interview to chatting with other minors from the talent competition online and also admitted that many of his chats were sexually oriented, but claimed that he has never met a child and would never hurt a child. Baker admitted having sent or traded numerous sexually oriented photos of himself or others during chats, and that while doing so he meant no harm and admittedly was careless. Baker admitted that (i) he had engaged in inappropriate chats using his computer, (ii) the chats involved sexual content, (iii) he deleted the images from the compute but stored them in an email account, (iv) he had accessed the images more than two or three weeks ago, and (v) he "did a lot of going through and just pulling stuff out and deleting them." Baker admitted that through his work in the talent industry he received photos of individuals, some through his request and some not solicited by him. He admitted that he had solicited photos from at least 10 children in the talent competition whose ages were 15-16 years old. Baker stated that when children sent him photographs of themselves, he would view them and, although he deleted many, he saved some.


Baker admitted chatting online with a minor male, B. D., using the female personae that he created named "S. G." Baker stated that he used a particular email address to chat with B. D., and that when he started chatting with B. D. that B.

Handwritten signature or initials in black ink, appearing to be 'R. D. B.' or similar.

D. was under 18 years old. Baker acknowledged that B. D. was the child of a family friend. Baker executed a "Consent to Search" form for his MacBook computer that he identified as the computer that he primarily used. Baker furnished a list of his email accounts that he has used and signed a "Consent to Assume Online Presence" form for these emails, and furnished his passwords therefor.

Preliminary forensic analysis of Baker's computer by law enforcement revealed that it contained several photos of a minor female in sexually explicit poses, some of which were duplicated and appeared to have been named "SAM." The computer had accessed a particular website that allowed uninhibited third party uploading of images. The website showed numerous images of teenaged girls and boys engaged in sexually explicit conduct. After reviewing multiple pages of uploaded images, TFO Snyder located a series of images on the website, of one particular female that matched images contained in Baker's computer. These images depicted a female who was post pubescent, and although the age was not listed, could have been interpreted as a female who was underage. Further investigation confirmed that these pornographic images depicted a minor female who resided in North Carolina, and that the images were taken when the child was 15 years old.

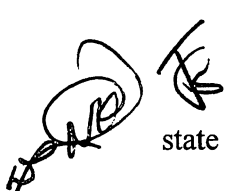
On February 3, 2011, TFO Snyder and Investigator Brenton met with Baker at his residence in Celebration for another interview. The investigators asked Baker about the pornographic images of the North Carolina minor on his MacBook computer. Baker stated that he downloaded the images from an internet website. Baker admitted to trading several nude pictures with B. D., using the North Carolina minor's images and his fictitious personae of a minor female. Baker admitted knowing that B. D. was underage



during his chats and while exchanging pornographic images with B. D. Baker was unable to give an exact number of pornographic images that he had received from B. D. When asked when the chats with B. D. began, Baker stated that he was unsure but they may have been 2008 or 2009.

During the analysis of Baker's MacBook computer, law enforcement located several images of a nude, post-pubescent minor male displaying his own erect penis. This minor male was identified as B. D., who was at the time that these images were produced, under the age of 18 years. These images were discovered in multiple outgoing emails from one of Baker's email accounts in a folder titled "private." There was also one video file, 52 seconds in length, attached to an email sent by Baker to an adult female that depicted B.D. masturbating and displaying his genitalia. This video and these images were made by B.D. after repeated requests by Baker using the personae "S.G.," and were transmitted by B.D. to Baker by computer via the internet. Using the "S.G." personae, Baker initiated contact via the internet with B.D. in November 2008. Eventually, Baker persuaded B.D. to send pornographic images depicting the lascivious exhibition of B.D.'s genitalia. The video was streamed live over the internet to Baker. A review of Baker's emails showed that Baker was sending pornographic images of B.D. to others as if the male depicted were Baker.

Further analysis of Baker's Mac computer revealed several chat logs from the video chat website. The chat logs showed conversations between "S.G." and another user, H.R. The H.R. screen name was present on Baker's instant messaging account as a contact. Law enforcement was able to identify H.R. as a minor female who resided in a

 state other than Florida. This minor's name had been found circled on a document

obtained from Baker. These chat logs were dated during the period from May 25, 2010 through July 2, 2010. A review of these logs revealed that the conversation platform was a one-way webcam with IM chat on H.R.'s side and IM chat only on the "S.G." side. During these chats, Baker, using the "S.G." personae, persuaded and directed the child to disrobe, perform sexual acts, and masturbate on live webcam. Baker knew that these images would be transmitted to Baker via the internet, which is a facility of interstate commerce. H.R. was subsequently interviewed and acknowledged that she had engaged in sexually explicit conversations with "S.G.," who H.R. believed to be a 15 year old girl. H.R. also confirmed in substance that she masturbated and displayed her genitalia at the direction of "S.G." (Baker) and streamed this conduct on live webcam to "S.G." over the Internet.

Forensic analysis of H. R.'s laptop computer revealed that it contained the same chat logs as found on Baker's MacBook computer showing sexually explicit conversations between H.R. and Baker. These logs confirmed that Baker, using the personae of "S.G.," enticed and persuaded H.R. to engage in masturbation and other sexual acts while Baker watched live on webcam. Baker sent several pornographic pictures of the North Carolina minor to H.R. in an effort to entice her to perform sexual acts and display her genitalia using a live video feed to Baker over the Internet. On May 26, 2010 at 22:02:01, Baker typed "ur body is so hot". At 22:17:21, Baker typed "do you feel like being naughty:)." Baker then directed H.R. on exactly what to do on the webcam, beginning with taking off her clothes. At 22:36:41, Baker typed "ok, now open ur legs, and put your hand inside ur panties ... and play with ur pussy." Baker then gave H.R. detailed and graphic instructions to the child regarding how to masturbate on



webcam, and H.R. complied with Baker's commands. One of these images, titled "003050.jpg," depicts the child facing the webcam, lying back exposing her genitalia. Her face is visible and she is touching and exposing her genitalia to the camera. This image was transmitted to Baker on June 26, 2010 at 12:30:50 a.m. Computer logs on H.R.'s computer revealed when searched that this image was not received by Baker. It is believed it was not received due to bandwidth issues.

On March 21, 2012, TFO Snyder and Jacksonville Sheriff's Office Detective M. Boymer interviewed Baker in Kissimmee, Florida. During the initial phase of the interview, TFO Snyder recapped information from previous interviews, and confirmed that Baker had signed consent forms for his email accounts. Baker admitted to TFO Snyder that he engaged in online chats with B.D. using the persona "S.G." Additionally, Baker admitted trading pornographic photos with B.D. over the internet, and that the photos he received from B. D. were "in response" to the "S.G." photos that Baker sent, to B.D. Baker confirmed that the chats with B.D. were sexual in nature. Baker stated that he sent B. D.'s pornographic pictures to other individuals as if the pictures were of himself (Baker). Baker admitted to recognizing H.R.'s name because she was a "friend" on his Facebook page. Baker did not deny his online interactions with H.R.; instead, he used drinking, poor relationships, and depression as reasons for his actions. TFO Snyder asked Baker about directing H.R. to perform sexually explicit acts, and specifically asked Baker why he was so aggressive with H. R. Baker claimed that he was "drinking a little back then." He stated that he did not remember how many images that H.R. sent him during their online chat sessions. Baker suggested that his actions in directing H.R. to perform sexually explicit acts were not for sexual gratification, but it was the

Handwritten initials and a signature. The initials appear to be 'WJ' and 'JE' circled together, followed by a signature that looks like 'B'.

"anonymity" and the ability to "escape from [his] own world and be something else."

Baker indicated that it was about "escape" and that while there was a "sexual nature" to it, "it never came down to [him] wanting to be gratified by it."

Handwritten signature or initials, possibly "D. H. S.", located at the bottom left of the page.