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2014 SEP 26 AM 12:00

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

September 2013 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL WILLIAM LUTTS,
aka mykl501@pacbell.net,

Defendant.

Case No. 14CR2542-JAH

I N D I C T M E N T
(Superseding)

Title 18, U.S.C., Sec. 2251(a) and (e) - Sexual Exploitation of a Minor; Title 18, U.S.C., Sec. 2252(a)(2) - Distribution of Images of Minors Engaged in Sexually Explicit Conduct; Title 18, U.S.C., Sec. 2253(a) and (b) - Criminal Forfeiture

The grand jury charges:

Count 1

On or about August 4, 2014, within the Southern District of California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net, did employ, use, persuade, induce, entice, and coerce a minor (age 2 months) to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, to wit: IMG_0019.jpg which visual depictions were produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means; in violation of Title 18, United States Code, Section 2251(a) and (e).

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Count 2

1
2 On or about August 4, 2014, within the Southern District of
3 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
4 did employ, use, persuade, induce, entice, and coerce a minor (age
5 2 months) to engage in sexually explicit conduct for the purpose of
6 producing a visual depiction of such conduct, to wit: IMG_0626.jpg
7 which visual depictions were produced using materials that had been
8 mailed, shipped, and transported in interstate and foreign commerce by
9 any means; in violation of Title 18, United States Code,
10 Section 2251(a) and (e).

Count 3

11
12 On or about August 5, 2014, within the Southern District of
13 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
14 did employ, use, persuade, induce, entice, and coerce a minor (age
15 2 months) to engage in sexually explicit conduct for the purpose of
16 producing a visual depiction of such conduct, to wit: IMG_0025.jpg
17 which visual depictions were produced using materials that had been
18 mailed, shipped, and transported in interstate and foreign commerce
19 by any means; in violation of Title 18, United States Code,
20 Section 2251(a) and (e).

Count 4

21
22 On or about August 5, 2014, within the Southern District of
23 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
24 did employ, use, persuade, induce, entice, and coerce a minor (age
25 2 months) to engage in sexually explicit conduct for the purpose of
26 producing a visual depiction of such conduct, to wit: IMG_0624.mov
27 which visual depictions were produced using materials that had been
28 mailed, shipped, and transported in interstate and foreign commerce

1 by any means; in violation of Title 18, United States Code,
2 Section 2251(a) and (e).

3 Count 5

4 On or about August 5, 2014, within the Southern District of
5 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
6 did employ, use, persuade, induce, entice, and coerce a minor (age
7 2 months) to engage in sexually explicit conduct for the purpose of
8 producing a visual depiction of such conduct, to wit: MOV_8082.mov
9 which visual depictions were produced using materials that had been
10 mailed, shipped, and transported in interstate and foreign commerce
11 by any means; in violation of Title 18, United States Code,
12 Section 2251(a) and (e).

13 Count 6

14 On or about August 6, 2014, within the Southern District of
15 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
16 did employ, use, persuade, induce, entice, and coerce a minor (age
17 2 months) to engage in sexually explicit conduct for the purpose of
18 producing a visual depiction of such conduct, to wit: IMG_0047.jpg
19 which visual depictions were produced using materials that had been
20 mailed, shipped, and transported in interstate and foreign commerce
21 by any means; in violation of Title 18, United States Code,
22 Section 2251(a) and (e).

23 Count 7

24 On or about August 6, 2014, within the Southern District of
25 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
26 did employ, use, persuade, induce, entice, and coerce a minor (age
27 2 months) to engage in sexually explicit conduct for the purpose of
28 producing a visual depiction of such conduct, to wit: IMG_0052.jpg

1 which visual depictions were produced using materials that had been
2 mailed, shipped, and transported in interstate and foreign commerce
3 by any means; in violation of Title 18, United States Code,
4 Section 2251(a) and (e).

5 Count 8

6 On or about August 6, 2014, within the Southern District of
7 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
8 did employ, use, persuade, induce, entice, and coerce a minor (age
9 2 months) to engage in sexually explicit conduct for the purpose of
10 producing a visual depiction of such conduct, to wit: IMG_0667.jpg
11 which visual depictions were produced using materials that had been
12 mailed, shipped, and transported in interstate and foreign commerce
13 by any means; in violation of Title 18, United States Code,
14 Section 2251(a) and (e).

15 Count 9

16 On or about August 9, 2014, within the Southern District of
17 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
18 did employ, use, persuade, induce, entice, and coerce a minor (age
19 2 months) to engage in sexually explicit conduct for the purpose of
20 producing a visual depiction of such conduct, to wit: IMG_0637.mov
21 which visual depictions were produced using materials that had been
22 mailed, shipped, and transported in interstate and foreign commerce
23 by any means; in violation of Title 18, United States Code,
24 Section 2251(a) and (e).

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Count 10

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2 On or about August 10, 2014, within the Southern District of
3 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
4 did employ, use, persuade, induce, entice, and coerce a minor (age
5 2 months) to engage in sexually explicit conduct for the purpose of
6 producing a visual depiction of such conduct, to wit: IMG_0688.mov
7 which visual depictions were produced using materials that had been
8 mailed, shipped, and transported in interstate and foreign commerce
9 by any means; in violation of Title 18, United States Code,
10 Section 2251(a) and (e).

Count 11

11
12 On or about August 10, 2014, within the Southern District of
13 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
14 did employ, use, persuade, induce, entice, and coerce a minor (age
15 2 months) to engage in sexually explicit conduct for the purpose of
16 producing a visual depiction of such conduct, to wit: IMG_0689.mov
17 which visual depictions were produced using materials that had been
18 mailed, shipped, and transported in interstate and foreign commerce
19 by any means; in violation of Title 18, United States Code,
20 Section 2251(a) and (e).

Count 12

21
22 On or about August 11, 2014, within the Southern District of
23 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
24 did employ, use, persuade, induce, entice, and coerce a minor (age
25 2 months) to engage in sexually explicit conduct for the purpose of
26 producing a visual depiction of such conduct, to wit: IMG_0698.jpg
27 which visual depictions were produced using materials that had been
28 mailed, shipped, and transported in interstate and foreign commerce

1 by any means; in violation of Title 18, United States Code,
2 Section 2251(a) and (e).

3 Count 13

4 On or about August 11, 2014, within the Southern District of
5 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
6 did employ, use, persuade, induce, entice, and coerce a minor (age
7 2 months) to engage in sexually explicit conduct for the purpose of
8 producing a visual depiction of such conduct, to wit: IMG_0080.jpg
9 which visual depictions were produced using materials that had been
10 mailed, shipped, and transported in interstate and foreign commerce
11 by any means; in violation of Title 18, United States Code,
12 Section 2251(a) and (e).

13 Count 14

14 On or about August 14, 2014, within the Southern District of
15 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
16 did employ, use, persuade, induce, entice, and coerce a minor (age
17 2 months) to engage in sexually explicit conduct for the purpose of
18 producing a visual depiction of such conduct, to wit: IMG_0705.mov
19 which visual depictions were produced using materials that had been
20 mailed, shipped, and transported in interstate and foreign commerce
21 by any means; in violation of Title 18, United States Code,
22 Section 2251(a) and (e).

23 Count 15

24 On or about August 22, 2014, within the Southern District of
25 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
26 did employ, use, persuade, induce, entice, and coerce a minor (age 2
27 months) to engage in sexually explicit conduct for the purpose of
28 producing a visual depiction of such conduct, to wit: IMG_0767.mov

1 which visual depictions were produced using materials that had been
2 mailed, shipped, and transported in interstate and foreign commerce
3 by any means; in violation of Title 18, United States Code,
4 Section 2251(a) and (e).

5 Count 16

6 On or about December 4, 2013, within the Southern District of
7 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
8 did knowingly distribute visual depictions, that is digital and
9 computer images using any means and facility of interstate and
10 foreign commerce and that has been mailed, shipped, and transported
11 in and affecting interstate and foreign commerce, and which contains
12 materials which have been mailed, shipped and transported in
13 interstate and foreign commerce, by any means including by computer,
14 the production of which involved the use of a minor engaging in
15 sexually explicit conduct, as defined in Title 18, United States
16 Code, Section 2256(2), and which visual depiction was of such
17 conduct; in violation of Title 18, United States Code,
18 Section 2252(a)(2).

19 Count 17

20 On or about July 24, 2014, within the Southern District of
21 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
22 did employ, use, persuade, induce, entice, and coerce a minor (female
23 child, approx. age 11 months) to engage in sexually explicit conduct
24 for the purpose of producing a visual depiction of such conduct, to
25 wit: IMG_0476(2).jpg which visual depictions were produced using
26 materials that had been mailed, shipped, and transported in
27 interstate and foreign commerce by any means; in violation of
28 Title 18, United States Code, Section 2251(a) and (e).

Count 18

1
2 On or about July 24, 2014, within the Southern District of
3 California, defendant MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net,
4 did employ, use, persuade, induce, entice, and coerce a minor (female
5 child, approx. age 11 months) to engage in sexually explicit conduct
6 for the purpose of producing a visual depiction of such conduct, to
7 wit: IMG_0477.jpg which visual depictions were produced using
8 materials that had been mailed, shipped, and transported in
9 interstate and foreign commerce by any means; in violation of
10 Title 18, United States Code, Section 2251(a) and (e).

11 FORFEITURE ALLEGATIONS

12 1. The allegations contained in Counts 1 through 18 of this
13 Superseding Indictment are realleged and by their reference fully
14 incorporated herein for the purpose of alleging forfeiture to the
15 United States of America pursuant to the provisions of Title 18,
16 United States Code, Section 2253(a).

17 2. Upon conviction of one or more of the offenses alleged in
18 Counts 1 through 18, which involve violations of Title 18,
19 United States Code, Sections 2251(a) and 2252(a)(2), defendant
20 MICHAEL WILLIAM LUTTS, aka mykl501@pacbell.net, shall forfeit to the
21 United States, pursuant to Title 18, United States Code,
22 Section 2253(a) all right, title and interest in:

23 a. any visual depictions described in sections 2251 and
24 2252, and any matter which contains any such visual depictions;

25 b. any property, real or personal, constituting or
26 traceable to gross profits of the offense;

27 i. The property located at 4972 Tierra Baja Way,
28 San Diego, California 92115, Assessor's Parcel Number: 466-361-07-00,

1 legally described as LOT 64 OF CAMPANILE TERRACE UNIT NO. 3, IN THE
2 CITY OF SAN DIEGO ACCORDING TO THE MAP THEREOF NO. 3454, FILED IN THE
3 OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 3, 1956, and

4 c. any property, real or personal, used or intended to be
5 used to commit or to promote the commission of said offense, including
6 but not limited to the following personal property:

7 i. Any and all images of child pornography, as
8 defined in Title 18, United States Code, Section 2256;

9 ii. The property located at 4972 Tierra Baja Way,
10 San Diego, California 92115, Assessor's Parcel Number: 466-361-07-00,
11 legally described as LOT 64 OF CAMPANILE TERRACE UNIT NO. 3, IN THE
12 CITY OF SAN DIEGO ACCORDING TO THE MAP THEREOF NO. 3454, FILED IN THE
13 OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 3, 1956, and

14 iii. Electronic equipment and peripherals, computer(s)
15 and telephones.

16 3. If any of the forfeitable property described above in
17 Paragraph 2, as a result of any act or omission of the defendant,

18 a. cannot be located upon the exercise of due diligence;

19 b. has been transferred or sold to, or deposited with, a
20 third party;

21 c. has been placed beyond the jurisdiction of the Court;

22 d. has been substantially diminished in value; or

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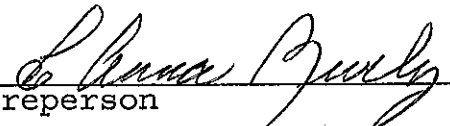
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1 e. has been commingled with other property which cannot be
2 subdivided without difficulty; it is the intent of the United States,
3 pursuant to Title 18, United States Code, Section 2253(o), to seek
4 forfeiture of any other property of the defendant up to the value of
5 the forfeitable property described above in Paragraph 2.


6 All pursuant to Title 18, United States Code, Section 2253(a) and (b).

7 DATED: September 26, 2014.

8 A TRUE BILL:

9
10 
Foreperson

11
12 LAURA E. DUFFY
United States Attorney

13
14 By: 
15 ALESSANDRA P. SERANO
Assistant U.S. Attorney