

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

UNITED STATES OF AMERICA	*	CRIMINAL NO: 08-238
v.	*	SECTION: "I"
TERENCE RHODES	*	VIOLATION: 18 U.S.C. § 2252(a)(4)(B) 18 U.S.C. § 2253
	*	
*	*	*

FACTUAL BASIS

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

The government would show that at all times mentioned in the indictment, the defendant, **TERENCE RHODES**, was a resident of the Eastern District of Louisiana, living in Metairie, Louisiana.

The government would present evidence that on or about June 11, 2008, Special Agents from the Federal Bureau of Investigation (FBI) executed a federal search warrant, based on probable

cause, for the defendant's Lime Street residence located in Metairie, Louisiana. Agents would testify that they recovered computers, DVDs, and CDs at the defendant's Metairie residence.

The government would establish through testimony and documentary evidence that **TERENCE RHODES** knowingly used his computer to search for, download, and save images of child pornography. Further, the evidence and testimony would establish that a computer forensic search of **TERENCE RHODES's** seized computers and related evidence revealed approximately 5,900 images depicting the sexual victimization of children.

Further, the government would introduce through FBI agents statements, both oral and written, wherein **TERENCE RHODES** voluntarily admitted to federal agents that he knowingly downloaded images of child pornography to his computer. According to **RHODES**, he used the Internet to search for and download images of child pornography to his computer, CDs, and zip disks. According to **RHODES**, he also subscribed to various newsgroups dealing with kids and pre-teens and downloaded the images. **RHODES** admitted to FBI agents that he masturbated while viewing child pornography. **RHODES** saved his sexually explicit images of children into computer folders which were categorized by content. According to **RHODES**, he has been viewing child pornography for years.

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

_____ Testimony would establish that some of the child victims depicted in the materials possessed by **TERENCE RHODES** were of prepubescent children less than 18 years of age; to wit: less than twelve (12) years old and that the images of the child victims were engaged in "sexually explicit

conduct” as defined in Title 18, United States Code, Section 2256. All of the images of child pornography possessed by the defendant, would be introduced through the testimony of FBI agents. For example, FBI agents located the following three images among the 5,900 images that were found on the defendant’s computer.

1. att00102.jpg -- This image depicts an adult male engaged in vaginal sex with a prepubescent female.
2. Hea_017.jpg -- This image depicts an adult male engaged in vaginal sex with a prepubescent female who is covering her eyes.
3. ybondage.jpg -- This image depicts a naked, prepubescent female who is blindfolded, bound around her hands and legs, and hanging from her hands.

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

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

TERENCE RHODES
Defendant

DATE

FRANK DESALVO
Counsel for Defendant

DATE

BRIAN M. KLEBBA
Assistant United States Attorney

DATE