



NEWS RELEASE

Office of the United States Attorney
Eastern District of Texas

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FLOWER MOUND MAN CONVICTED OF POSSESSION OF CHILD PORNOGRAPHY

(Sherman, Texas) **BRIAN THOMAS HILL**, 44, of Flower Mound was convicted by a jury in Sherman today for possession of child pornography. Hill was charged with possessing over 150 digital images that depicted persons under 18 years of age engaging in sexually explicit conduct. The images were found on a computer seized from his home on October 7, 2003.

During the three day trial, the defense contended that the government would not be able to meet its burden of proving that the persons depicted in the digital images were in fact real children, because the government would not be able to prove that the digital images did not originally contain adults that had been subsequently manipulated to appear to be children under 18 years of age. The defense called an expert witness, Dean Boland, of Cleveland, Ohio, to testify regarding the ease with which digital images can be manipulated. Boland, a former prosecutor, adjunct law professor, and lecturer on digital imaging, testified that, due to the advances in certain software programs that are designed to alter or manipulate digital images, it impossible to detect whether any digital image had

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been altered from its original form. He testified that there was no scientific examination that could possibly be performed on the images to detect whether there had been any alterations.

The government, who was unable to identify any of the individuals in the images, presented the testimony of Tom Musheno, an expert in digital imaging from the FBI Laboratory in Quantico, Virginia. Musheno testified that he examined some of the images and looked for a number of factors that would indicate that the images had been altered. He testified that, in his opinion, the images had not been altered, and the images depicted real children.

United States District Judge Richard Schell did not set a date for sentencing. Hill is currently in custody and faces up to five years in prison and a fine of up to \$250,000.

The case was investigated by the Federal Bureau of Investigation. The case was prosecuted by Assistant United States Attorneys Andy Williams and Terri Hagan.

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