

## What do you think of?

When people hear the term "Child Pornography" it automatically brings horrendous images of young children being forced into sexual acts by demented adults. According to the law, this is not always the case.

### Case in point:

On the one hand, the age of consent in the US is determined by the states. In many states, a girl can marry at 16. If her legal husband takes a compromising photo of her, he is guilty of producing Child Pornography according to Federal law.

### Another instance:

The suggestive pictures on MySpace and Facebook of pre-teens as well as teenagers. The posters are guilty of producing and distributing Child Pornography even if they are self portraits, which is the case in most instances.

### Yet another example:

A child may be fully clothed and the image may still be determined to be Child Pornography. If the pose is determined to be suggestive by the Courts, the burden of proof that it is not, is on the accused. Also, the burden of proof is placed on the accused that the image(s) are not used for sexual gratification.

### A Questionable Law

If your computer is seized as evidence, your defense team can be legally denied access to it under the **Adam Walsh Act**. The findings of the government's forensic team must be taken as fact. Defense experts cannot do their own analysis on the validity of the findings.

[http://www.fd.org/pdf\\_lib/20%20questions%20discovery.pdf](http://www.fd.org/pdf_lib/20%20questions%20discovery.pdf)

## A Growing Concern

Child porn cases account for about 2 percent of the entire federal criminal caseload, according to the U.S. Department of Justice, but they make up one of the fastest-growing segments of the federal court docket. The number of new cases filed has grown from a few dozen annually in the late 1990s to more than 2,200 in fiscal 2008, ending Sept. 30. That latest figure represents a 33 percent increase over the 2006 fiscal year, and a doubling in the number of new cases since 2003. <http://bit.ly/7alloZ>

## Could you or someone you know be accused?

"Computers are not to be trusted," says Jeremiah Grossman, founder of WhiteHat Security Inc. <http://whitehatsales.com/home/news/09newsarchives/110909AP.html>

Of all the sinister things that Internet viruses do, this might be the worst: They can make you an unsuspecting collector of child pornography

He describes it as "painfully simple" to get a computer to download something the owner doesn't want - whether it's a program that displays ads or one that stores illegal pictures.

An Associated Press investigation found cases in which innocent people have been branded as pedophiles after their co-workers or loved ones stumbled upon child porn placed on a PC through a virus. It can cost victims hundreds of thousands of dollars to prove their innocence

At any moment, about 20 million of the estimated 1 billion Internet-connected PCs worldwide are infected with viruses that could give hackers full control, according to security software maker F-Secure Corp. Computers often get infected when people open e-mail attachments from unknown sources or visit a malicious Web page.

## *In the Eyes of the Law*

# You Juveniles, The Adam Walsh Act, And Child Pornography

## A Rational Discussion Brought to You



## A World Torn Apart.

The phone rings, on the other end of the line is a police officer. They mention your child's name, instantly your mind turns to thoughts of a terrible accident. However the next words you hear sound unreasonable.

"Sir/Mam, your son/daughter has been arrested for producing and distributing child pornography."

You are stunned. Surely there has been a mistake; your child is not into that sort of thing, they are but children themselves.

In the end you find that, according to the determination of the law, your child is involved in child pornography. In what form? Sexting.

Sexting the term given for taking and sending nude or partially nude photos by use of a cell phone. According to the law, anyone who views these photos is guilty of possession regardless of the age of the person viewing the images. In most instances the one taking the photos and those viewing are the same age.

The one taking compromising photographs of *themselves* becomes the producer and distributor of child porn.

The one viewing the images becomes the consumer of child porn. The penalties for viewing, possession, or distribution of Child Pornography (sexting) range from 5 years to life in a Federal Prison.

The Sex Offender Registry also awaits them. The time on the registry varies from 10 years to life depending on the state.

When fully enacted, the Adam Walsh Child Protection Act will add children as young as 14 to the registry. Many young teens and their parents are learning this first hand.

## Could it happen to you? *Grandmother is a Pornographer?*

In 2005, a WalMart worker in Pennsylvania reported 59-year-old grandmother to local authorities after she dropped off some film that included shots of her three-year-old granddaughter in and just out of the bath. The grandmother was arrested—roughly, she says—and charged with producing and distributing child pornography. The charges were dropped 15 months later when a Pennsylvania special prosecutor overruled the local DA. Only she, her attorney, and police and prosecutors have apparently seen the photos, which are now under seal. She's now suing. She maintains she was handcuffed "tightly in a rough, vigorous and aggressive manner" and slammed into a parked car with enough force that her head bounced off the vehicle, resulting in injuries to her back.

<http://bit.ly/4OtJmB>

<http://bit.ly/87mqj1>

## *Woman Says T-Mobile Sent Her Child Porn Instead Of Ringtone*

A T-Mobile customer in Oregon purchased a Modest Mouse ringtone from T-Mobile, but she says what was sent to her phone instead was a pornographic picture of what appeared to be a child. Everyone can calm down, though—T-Mobile assured her that they wouldn't charge her for it. <http://bit.ly/Ce9yz>

## *'Falsely accused pedophiles were actually victims of credit card fraud'*

Hundreds of Britons accused of being pedophiles in the country's biggest Internet child pornography investigation were actually victims of credit card fraud, it was claimed last night. More than 7,000 - including rock star Pete Dinklage - were said to have downloaded child porn images from a U.S. website. But an investigation has found that many... were innocent and their card details had been used illegally. <http://bit.ly/4YXCSK>

## *Educators in Danger!*

It was an incident that began innocently enough, but nearly ruined the life and three-decade career of a veteran high school teacher and administrator.

Rumors had been flying at a Virginia high school that students were distributing nude pictures of each other on their cell phones.

The investigation was inconclusive, but led to a stunning aftermath: The Educator who investigated the incident was charged with possession of child pornography and related crimes — charges that threatened to brand him a sex offender and land him in prison for up to seven years. Transferred from his school and isolated from colleagues, he spent \$150,000 and a year of his life defending himself in a Kafkaesque legal nightmare triggered by a **determined county prosecutor** and nurtured by a **growing hysteria** over technology-enabled child porn at America's schools. <http://bit.ly/2Wd4qA>

## What have you learned from this small brochure?

1. Anyone, from a child to a grandmother can be accused of producing child porn.
2. Computer viruses and cell phone glitches can brand you as a child pornographer.
3. Under the Adam Walsh Act it is nearly impossible to prove your innocence.
4. Your credit card number can be stolen and you can be prosecuted for using it to access child porn.
5. Even though you at some point **may** be able to prove your innocence, you will forever be branded by the ever watchful eyes of law enforcement and the public. **Groups protest Pete Townshend's Super Bowl appearance over child porn charge.** <http://bit.ly/6yNuWW>
6. A child porn conviction will land you on the SORNA website. SORNA is part of the AWA and once on this list, your life is forever ruined, even if you are innocent of all charges, no one will care!