

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

08 CR 10315 WJ

| | | |
|--------------------------|---|---------------------------|
| UNITED STATES OF AMERICA |) | CRIMINAL NO. |
| |) | VIOLATION |
| v. |) | 18 U.S.C. § 2252(a)(1) |
| |) | Transportation of Child |
| |) | Pornography |
| |) | 18 U.S.C. § 2252(a)(4)(B) |
| ROBERT GAMERE |) | Possession of Child |
| |) | Pornography |
| |) | 18 U.S.C. § 2253 |
| |) | Criminal Forfeiture |

INDICTMENT

COUNTS ONE - TWO: 18 U.S.C. § 2252(a)(1) - Transportation of Child Pornography

The Grand Jury charges that:

On or about the dates listed below, within the District of Massachusetts,

ROBERT GAMERE,

defendant herein, knowingly transported and shipped in interstate and foreign commerce by any means including by computer, visual depictions, the producing of such visual depictions having involved the use of minors engaging in sexually explicit conduct and such depictions being of such conduct, that is: transported and shipped the computer files indicated below which contained

visual depictions of minors under the age of 18 years engaging in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2):

| Count No. | Date | Image Name |
|-----------|----------------------------------|--|
| 1 | On or about April 5, 2007 | 1st_mom_thn _dad.wmv |
| 2 | On or about April 11, 2007 | (Liluplanet)_(LordOfTh eRing)_Vera _02.wmv |

All in violation of Title 18, United States Code, Section 2252(a)(1).

COUNT THREE: 18 U.S.C. § 2252(a)(4)(B) - Possession of Child Pornography

The Grand Jury further charges that between in or about May, 2006, and in or about October, 2007, within the District of Massachusetts,

ROBERT GAMERE,

defendant herein, knowingly possessed one or more books, magazines, periodicals, films, video tapes, and other matter which contained any visual depiction that had been mailed, shipped and transported in interstate and foreign commerce, and which was produced using materials which had been so mailed, shipped and transported, by any means including by computer, the producing of such visual depiction having involved the use of a minor engaging in sexually explicit conduct and such visual depiction being of such conduct; that is: ROBERT GAMERE knowingly possessed a computer and computer media which contained visual depictions of minors engaging in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), such as:

AV_Boys_on_Bed.mpg
un-named.jpg

All in violation of Title 18, United States Code, Section 2252(a)(4)(B).

FORFEITURE ALLEGATION
(Child Pornography)

1. The allegations of Counts One through Three of this indictment are hereby re-alleged and are incorporated herein by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 2253.

2. Upon conviction of the offenses in violation of 18 U.S.C. § 2252 set forth in Counts One through Three of this indictment, Robert Gamere, the defendant herein, shall forfeit to the United States all interest in any visual depictions which were produced, transported, mailed, shipped, or received in violation of law; all property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and all property, real or personal, used or intended to be used to commit, or to promote the commission of the offenses, pursuant to 18 U.S.C. § 2253. The property to be forfeited includes, but is not limited to computers and computer media seized in October, 2007.

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

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the

court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order, pursuant to 18 U.S.C. § 2253(o), the forfeiture of any other property of the defendant up to the value of the property described above.

All in accordance with Federal Rule of Criminal Procedure 32.2 and Title 18, United States Code, Section 2253.

A TRUE BILL

Michelle Strahl
FOREPERSON OF THE GRAND JURY

Dana Luskopos
ASSISTANT UNITED STATES ATTORNEY

DISTRICT OF MASSACHUSETTS; October 22, 2008 @ 12:11 pm.

Returned into the District Court by the Grand Jurors and
filed.

DEPUTY CLERK

Mark Duff

Place of Offense: Brookline Category No. II Investigating Agency FBI
City Brookline Related Case Information: **08 CR 10315 NG**
County Suffolk Superseding Ind./ Inf. _____ Case No. _____
Same Defendant New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number 07-mj-24-LTS
R 20/R 40 from District of _____

Defendant Information:

Defendant Name Robert Gamere Juvenile Yes No
Alias Name _____
Address 93 Fuller Street, Apt.1, Brookline, MA
Birth date (Year only): 1938 SSN (last 4 #): 2666 Sex m Race: _____ Nationality: _____
Defense Counsel if known: William Kettlewell Address: 600 Atlantic Ave.
Boston, MA
Bar Number: _____

U.S. Attorney Information:

AUSA Dana Gershengorn Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: _____

Victims: Yes No If Yes, are there multiple crime victims under 18 U.S.C. §3771(d)(2) Yes No

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date: _____
 Already in Federal Custody as _____ in _____
 Already in State Custody _____ Serving Sentence Awaiting Trial
 On Pretrial Release: Ordered by _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 3

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: October 22, 2008 Signature of AUSA: Dana Gershengorn

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Robert Gamere

U.S.C. Citations

| | <u>Index Key/Code</u> | <u>Description of Offense Charged</u> | <u>Count Number</u> |
|--------|---------------------------------|--|---------------------|
| Set 1 | <u>18 U.S.C. §2252(a)(1)</u> | <u>Transportation of child pornography</u> | <u>1-2</u> |
| Set 2 | <u>18 U.S.C. §2252(a)(4)(B)</u> | <u>Possession of child pornography</u> | <u>3</u> |
| Set 3 | _____ | _____ | _____ |
| Set 4 | _____ | _____ | _____ |
| Set 5 | _____ | _____ | _____ |
| Set 6 | _____ | _____ | _____ |
| Set 7 | _____ | _____ | _____ |
| Set 8 | _____ | _____ | _____ |
| Set 9 | _____ | _____ | _____ |
| Set 10 | _____ | _____ | _____ |
| Set 11 | _____ | _____ | _____ |
| Set 12 | _____ | _____ | _____ |
| Set 13 | _____ | _____ | _____ |
| Set 14 | _____ | _____ | _____ |
| Set 15 | _____ | _____ | _____ |

ADDITIONAL INFORMATION: