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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

REDACTED FOR  
PUBLIC DISCLOSURE

United States of America,  
Plaintiff,

vs.

Kyle Wade Cummins,  
Defendant.

CR-18-00671-PHX-JJT (ESW)

**REDACTED  
INDICTMENT**

VIO: 18 U.S.C. §§ 2252(a)(2), (b)(1),  
and 2256  
(Receipt of Child Pornography)  
Counts 1-4

18 U.S.C. §§ 2252(a)(4)(B), and  
2256  
(Possession of Child Pornography)  
Count 5

18 U.S.C. §§ 981 and 2253,  
21 U.S.C. § 853 and  
28 U.S.C. § 2461(c)  
(Forfeiture Allegations)

THE GRAND JURY CHARGES:

**COUNTS 1-4**

On or about the dates listed below, in the District of Arizona, and elsewhere, defendant KYLE WADE CUMMINS did knowingly receive visual depictions that involved the use of a minor engaging in sexually explicit conduct and such visual depiction was of such conduct. The visual depictions received were in a torrent file. The visual depictions had been mailed, had been shipped or transported using any means or facility of interstate or foreign commerce or in and affecting interstate or foreign commerce, and had been produced using materials which had been mailed, shipped, or transported by any means, including by computer. Some of the visual depictions of minors engaged in sexually explicit conduct are listed below:

Count	Date (On or about)	File Name
1	March 13, 2018	lhv-010-047.jpg lhv-010-101.jpg lhv-011-098.jpg lhv-016-108.jpg lhv-023-084.jpg lhv-026-105.jpg
2	March 20, 2018	lsv-004-051.jpg lsv-004-055.jpg lsv-006-071.jpg lsv-009-071.jpg lsv-009-090.jpg lsv-013-043.jpg lsv-013-059.jpg lsv-015-098.jpg lsv-017-049.jpg lsv-022-029.jpg lsv-023-046.jpg lsv-025-102.jpg lsv-027-093.jpg
3	April 14, 2018	lhv-010-047.jpg lhv-010-101.jpg lhv-011-098.jpg lhv-016-108.jpg lhv-022-092.jpg lhv-022-115.jpg lhv-023-067.jpg lhv-026-105.jpg

1	4	April 16, 2018	lsh-011-062.jpg
2			lsh-011-096.jpg
3			lsh-012-084.jpg
4			lsh-015-068.jpg
5			lsh-015-083.jpg
6			lsh-016-038.jpg
7			lsh-016-089.jpg
8			lsh-019-098.jpg
9			lsh-027-041.jpg
10			lsh-027-046.jpg
11			lsh-028-040.jpg
12			lsh-028-059.jpg

13 In violation of Title 18, United States Code, Sections 2252(a)(2), (b)(1), and 2256.

14 **COUNT 5**

15 On or about April 25, 2018, in the District of Arizona, and elsewhere, defendant KYLE  
 16 WADE CUMMINS, did knowingly possess and knowingly access with intent to view, visual  
 17 depictions that involved the use of a minor engaging in sexually explicit conduct and such  
 18 visual depiction was of such conduct. The visual depictions possessed and accessed by the  
 19 defendant were contained on a hard drive and are listed below. The visual depictions on the  
 20 Seagate hard drive listed below had been mailed, had been shipped or transported using any  
 21 means or facility of interstate or foreign commerce or in and affecting interstate or foreign  
 22 commerce, and had been produced using materials which had been mailed, shipped, or  
 23 transported, by any means, including by computer. Some of the visual depictions of minors  
 24 engaged in sexually explicit conduct are listed below:

25 lfs-007-103.jpg

26 lfs-008-031.jpg

27 lfs-008-041.jpg

28 lfs-008-055.jpg



- 1 lhv-004-076.jpg
- 2 lhv-010-101.jpg
- 3 lhv-011-044.jpg
- 4 lhv-011-078.jpg
- 5 lhv-011-085.jpg
- 6 lhv-022-092.jpg
- 7 lhv-022-100.jpg
- 8 lhv-022-116.jpg
- 9 lsbar-006a-084.jpg
- 10 lsh-027-046.jpg
- 11 lsh-027-099.jpg
- 12 ls-star-018a-040.jpg
- 13 show-003-043.jpg
- 14 show-017-001.jpg
- 15 ufo-029-096.jpg

16 In violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2256.

17 **FORFEITURE ALLEGATIONS**

18 The Grand Jury realleges and incorporates the allegations of Counts 1-5 of this  
19 Indictment, which are incorporated by reference as though fully set forth herein.

20 Pursuant to Title 18, United States Code, Sections 981 and 2253, Title 21 United  
21 States Code, Section 853, and Title 28, United States Code, Section 2461(c), and upon  
22 conviction of one or more of the offenses alleged in Counts 1-5 of this Indictment, the  
23 defendant shall forfeit to the United States of America all right, title, and interest in any  
24 visual depiction, or any book, magazine, periodical, film, videotape, or other matter which  
25 contains any such visual depiction, which was produced, transported, mailed, shipped or  
26 received in violation of statute, and any property, real or personal, constituting or traceable  
27 to gross profits or other proceeds obtained from such offense, and any property, real or  
28 personal, used or intended to be used to commit or to promote the commission of such

1 offense or any property traceable to such property, including, but not limited to, a computer  
2 seized by law enforcement on April 25, 2018, containing visual depictions of minors  
3 engaging in sexually explicit conduct and child erotica. If any of the above-described  
4 forfeitable property, as a result of any act or omission of the defendant:

- 5 (1) cannot be located upon the exercise of due diligence,
- 6 (2) has been transferred or sold to, or deposited with, a third party,
- 7 (3) has been placed beyond the jurisdiction of the court,
- 8 (4) has been substantially diminished in value, or
- 9 (5) has been commingled with other property which cannot be divided  
10 without difficulty,

11 it is the intent of the United States to seek forfeiture of any other property of said defendant  
12 up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. Section  
13 853(p).

14 All in accordance with Title 18, United States Code, Sections 981 and 2253, Title  
15 21, United States Code, Section 853, Title 28, United States Code, Section 2461(c), and Rule  
16 32.2, Federal Rules of Criminal Procedure.

17 A TRUE BILL

18  
19 s/  
FOREPERSON OF THE GRAND JURY  
20 Date: May 15, 2018

21 ELIZABETH A. STRANGE  
22 First Assistant United States Attorney  
23 District of Arizona

24 s/  
GAYLE L. HELART  
25 Assistant U.S. Attorney  
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