

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED - GR

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TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

BY:ald / _____ SCANNED BY: *AWO* / *7-23*

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD BALYO,

Defendant.

_____ /

1:14-cr-133

**Robert Holmes Bell
U.S. District Judge**

**FELONY
INFORMATION**

The United States Attorney charges:

COUNT ONE
(Sexual Exploitation of a Child)

On or about April 19, 2014, in Kalamazoo County, in the Southern Division of the
Western District of Michigan,

JOHN RICHARD BALYO

knowingly employed, used, persuaded, induced, enticed, and coerced a minor to engage in
sexually explicit conduct for the purpose of producing any visual depiction of such conduct,
using materials that had been mailed, shipped, and transported in and affecting interstate and
foreign commerce by any means, including by computer.

Specifically, the defendant produced photographs of a boy approximately 12 years old
engaged in sexually explicit conduct and did so using materials manufactured outside the state of
Michigan, including, but not limited to, one or more of the following: an Apple iPhone 4S, an
Apple iMac computer, and a Nikon digital camera.

18 U.S.C. § 2251(a) and (e)

COUNT TWO
(Possession of Child Pornography)

On or about June 5, 2014, in Kent County, in the Southern Division of the Western District of Michigan,

JOHN RICHARD BALYO

knowingly possessed images of child pornography, some that involved prepubescent minors, including, but not limited to, one or more of the visual depictions listed below by file name:

1. IMG_2222.JPG;
2. IMG_2235.JPG;
3. IMG_2258.JPG;
4. IMG_2271.JPG;
5. IMG_2274.JPG;
6. IMG_2279.JPG;
7. IMG_9297.JPG;
8. IMG_9298.JPG; and
9. IMG_9299.JPG.

Such depictions were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce, including, but not limited to, one or more of the following materials manufactured outside the state of Michigan: an Apple iPhone 4S, an Apple iMac computer, and a Nikon digital camera.

18 U.S.C. § 2252A(a)(5)(B) and (b)(2)
18 U.S.C. § 2256(8)(A)

FORFEITURE ALLEGATION
(Sexual Exploitation of a Child; Possession of Child Pornography)

The allegations contained in Counts One and Two of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 2253.

Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of 18 U.S.C. §§ 2251 or 2252A,

JOHN RICHARD BALYO

shall forfeit to the United States of America any visual depiction described in 18 U.S.C. §§ 2251 or 2252A; any matter which contains any such visual depiction that was produced, transported, mailed, shipped, and received in violation of Title 18, United States Code, Chapter 110; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses or any property traceable to such property. The property to be forfeited, as to both counts, includes, but is not limited to, the following:

- a. Apple iMac computer, Serial Number W80449CWDB6;
- b. External hard drives, thumb drives, memory/SD cards, CDs, DVDs, compact flash cards, and removable storage media containing materials relating to the sexual exploitation of children;
- c. All photographic equipment seized from the defendant's residence on or about June 20, 2014;
- d. All material seized from the defendant's Kent County storage unit on or about June 20, 2014; and

- e. All material transferred to a third party or parties in or about June 2014 that relates to the sexual abuse or exploitation of children.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b) and by 28 U.S.C. § 2461(c).

18 U.S.C. § 2253
21 U.S.C. § 853(p)
18 U.S.C. § 2251
18 U.S.C. § 2252A
18 U.S.C. § 2256(8)(A)
28 U.S.C. § 2461(c)

PATRICK A. MILES, JR.
United States Attorney

Date: _____

7/23/14



TESSA K. HESSMILLER
Assistant United States Attorney