

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

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U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
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UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS KEVIN HAMEL,

Defendant.

2:15-cr-11
R. Allan Edgar
District Court Judge

INDICTMENT

The Grand Jury charges:

COUNT 1

(Sexual Exploitation of a Minor and Attempted Sexual Exploitation of a Minor)

Between in or about August 2010 and June 2011, in Mackinac County, in the Northern Division of the Western District of Michigan, the defendant,

THOMAS KEVIN HAMEL,

did attempt to use and used a minor with the intent that such minor engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct and which were produced using materials which had been shipped or transported in interstate and foreign commerce.

Specifically, the defendant surreptitiously created a video including a male minor, Victim 1, who was approximately fourteen years old, while he was partially nude in a trainer's room, in an attempt to produce a video that depicted the lascivious exhibition of his pubic area. The defendant produced the video using one or more of the following: a cellular telephone with a digital camera, a laptop computer and hard drive, and a USB thumb drive, with components that were manufactured outside the State of Michigan.

18 U.S.C. § 2251(a) and (e)
18 U.S.C. § 2256

COUNT 2

(Sexual Exploitation of a Minor and Attempted Sexual Exploitation of a Minor)

Between in or about November 2007 and March 2011, in Mackinac County, in the Northern Division of the Western District of Michigan, the defendant,

THOMAS KEVIN HAMEL,

did attempt to use and used a minor with the intent that such minor engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct and which were produced using materials which had been shipped or transported in interstate and foreign commerce.

Specifically, the defendant surreptitiously created a video including a male minor, Victim 2, while he was dressing in a locker room, in an attempt to produce a video that depicted the lascivious exhibition of his pubic area. The defendant produced the video using one or more of the following: a cellular telephone with a digital camera, a laptop computer and hard drive, and a USB thumb drive, with components that were manufactured outside the State of Michigan.

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2256

COUNT 3

(Sexual Exploitation of a Minor and Attempted Sexual Exploitation of a Minor)

Between in or about November 2009 and December 2012, in Mackinac County, in the Northern Division of the Western District of Michigan, the defendant,

THOMAS KEVIN HAMEL,

did attempt to use and used a minor with the intent that such minor engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct and which were produced using materials which had been shipped or transported in interstate and foreign commerce.

Specifically, the defendant surreptitiously created a video including a male minor, Victim 3, while he was nude in a trainer's room at a weigh-in, in an attempt to produce a video that depicted the lascivious exhibition of his pubic area. The defendant produced the video using one or more of the following: a cellular telephone with a digital camera, a laptop computer and hard drive, and a USB thumb drive, with components that were manufactured outside the State of Michigan.

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2256

COUNT 4

(Sexual Exploitation of a Minor and Attempted Sexual Exploitation of a Minor)

Between in or about November 2009 and December 2012, in Mackinac County, in the Northern Division of the Western District of Michigan, the defendant,

THOMAS KEVIN HAMEL,

did attempt to use and used a minor with the intent that such minor engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct and which were produced using materials which had been shipped or transported in interstate and foreign commerce.

Specifically, the defendant surreptitiously created a video including a male minor, Victim 4, while he was nude at a wrestling team weigh-in, in an attempt to produce a video that depicted the lascivious exhibition of his pubic area. The defendant produced the video using one or more of the following: a cellular telephone with a digital camera, a laptop computer and hard drive, and a USB thumb drive, with components that were manufactured outside the State of Michigan.

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2256

COUNT 5

(Sexual Exploitation of a Minor and Attempted Sexual Exploitation of a Minor)

Between in or about November 2010 and March 2011, in Mackinac County, in the Northern Division of the Western District of Michigan, the defendant,

THOMAS KEVIN HAMEL,

did attempt to use and used a minor with the intent that such minor engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct and which were produced using materials which had been shipped or transported in interstate and foreign commerce.

Specifically, the defendant surreptitiously created a video including a male minor, Victim 5, who was approximately fourteen years old, while he was nude at a wrestling team weigh-in, in an attempt to produce a video that depicted the lascivious exhibition of his pubic area. The defendant produced the video using one or more of the following: a cellular telephone with a digital camera, a laptop computer and hard drive, and a USB thumb drive, with components that were manufactured outside the State of Michigan.

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2256

COUNT 6
(Possession of Child Pornography)

Beginning at a time unknown to the grand jury and continuing to on or about December 6, 2012, in Mackinac County, in the Northern Division of the Western District of Michigan, the defendant,

THOMAS KEVIN HAMEL,

did knowingly possess and access with intent to view over 600 images of child pornography, including, but not limited to, one or more of the images and videos listed below:

- 1) One of more of the videos in Counts One through Five, incorporated herein.
- 2) 02f.jpg
- 3) 12[4344].jpg
- 4) 1.wmv
- 5) 7.wmv
- 6) Chan and Mike 1.wmv
- 7) 4088157b7d834bf.jpg
- 8) 1a25dfbdb2f00832.jpg
- 9) 8332e0d29a8aa1cd.jpg
- 10) 7dc26d5bc14589a4.jpg

Such images and videos were produced using materials which had been shipped and transported in interstate and foreign commerce, including, but not limited to, one or more of the following: a Hewlett Packard laptop computer, serial number CNF94155NC, containing a 320GB Hitachi hard drive, serial number 090927PB4C01QYJT8E8B, a Verbatim 16GB USB thumb drive, and a SanDisk Cruzer 16GB USB thumb drive, which were manufactured outside of the State of Michigan.

18 U.S.C. § 2252A(a)(5)(B)

18 U.S.C. § 2252A(b)(2)

18 U.S.C. § 2256(8)(A)

FORFEITURE ALLEGATION

Upon conviction of any of the offenses charged in this Indictment, the defendant,

THOMAS KEVIN HAMEL,

shall forfeit to the United States pursuant to 18 U.S.C. § 2253(a), any visual depictions described in 18 U.S.C. §§ 2251 or 2252A; and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of 18 U.S.C. Chapter 110; and all property, real or personal, used or intended to be used to commit or to promote the commission of the violations of §§ 2251 or 2252A, including but not limited to the following:

1. A Hewlett Packard laptop computer, serial number CNF94155NC;
2. A 320GB Hitachi hard drive, serial number 090927PB4C01QYJT8E8B;
3. A Verbatim 16GB USB thumb drive; and
3. A SanDisk Cruzer 16GB USB thumb drive.

18 U.S.C. § 2253(a)(1)

18 U.S.C. § 2253(a)(3)

18 U.S.C. § 2252A

18 U.S.C. § 2251

A TRUE BILL


GRAND JURY FOREPERSON

PATRICK A. MILES, JR.
United States Attorney


PAUL D. LOCHNER
Assistant United States Attorney