

Child Pornography

You are in serious jeopardy if you are watching this. You have been accused of or implicated in trafficking, exchanging or possessing child pornography. If you have been charged with using the internet to obtain, sell or exchange child pornography, the penalties can escalate to forty years imprisonment.

What you need to do right now

Even if you have been falsely accused and have committed no crime, the Innocence Legal Team warns you not speak to anyone except an attorney. What you say to others, police or investigators can determine whether or not you

- will face a federal indictment;
- are found innocent or guilty;
- will suffer the maximum punishment if convicted.

Our attorneys warn you to refuse interviews with police or investigators unless you have an experienced attorney at your side that can aggressively protect you.

What you need to know

The Innocence Legal Team has worked exclusively with clients who have been falsely accused of sex crimes. Four decades of experience means that our attorneys are prepared to protect defendants implicated in child pornography cases that

- could be tried in federal court;
- depend on legal and technical experts;
- are punished by extreme, sentencing laws.

1. Children pornography cases may be tried in federal courts.

Law enforcement considers child pornography a growing industry that exploits our nation's children, thereby making accusations of child pornography- **a federal concern**. In response, the Federal Bureau of Investigation (FBI) now devotes a large amount of financial and investigative resources to these cases, one of which may be yours.

If a case goes to the federal level, the accused will face United States Attorneys as well as FBI experts. If found guilty, the defendant will face penalties far worse than those imposed in California Courts. If at all possible, your case must remain at the state level so that you have the best chance of proving your innocence and if convicted receive a low sentence than in Federal Court. The Innocence Legal Team has the extensive experience in both State and Federal Court.

2. Investigating a case of child pornography is a time-consuming, complex task that requires specialized experts in both the law as well as internet technology.

The Innocence Legal Team understands the internet, the way it works, and how to use that information to establish your defense. We know that unrequested files are sent to computers and have the experts to prove that in court.

We know that more than one person can use a computer and where to look to find evidence of another user.

We know that many images may arrive in an encrypted file and that all images may not be viewed. If you are the user and have deleted the unwanted images, your team can establish a defense based on temporary possession of child pornography for deletion.

There are many other defenses to possession based on an in-depth knowledge of the inner working of computers and the Internet.

Innocence Legal Team's experience includes understanding how the laws regarding pornography versus child pornography have changed since the seventies. While pornography is readily available, possessing child pornography is still considered a serious felony.

Yet what is considered child pornography is often based on perceptions by people with strong political or religious views, not the law. Well-known and respected artists have painted the nude bodies of children with adults or by themselves for centuries.

Likewise, many renowned photographers have also photographed nude children, not as pornography, but as an expression of the innocence and beauty of a child's body:

The difference between child pornography and the artistic depiction of children in paintings or photographs is the manner in which a child's nudity, specifically the genitalia, is portrayed. The law forbids depictions of sexual conduct or simulated sexual conduct or nudity designed to arouse the viewer. This last example is the most ambiguous to determine if a violation of the law has occurred.

Being able to prove that a photo of a nude child is art and not pornography is a crucial idea that lays the foundation for a client's defense and innocence.

Knowing how to establish a sound theory for your defense is half the battle; your Team must also be able to prove the theory and convince a jury that you have been wrongly accused. Presenting a successful defense can be done only through experience and a thorough understanding of internet technology, the laws

governing child pornography, and how to find the facts and expert witnesses to prove your case.

3. Punishment has become increasingly punitive for child pornography convictions.

By now it is obvious that the best defense requires time, money and experience, but even with those assets, sometimes a plea bargain offers the only alternative to more devastating consequences, such as forty years of imprisonment.

You should also be aware that in Federal Court:

- Possession alone can be punished with a 10-year federal prison sentence and life-long registration as a sex offender.
- Exchanging pornographic images on the internet carries a *minimum* 5-year mandatory sentence and life-long registration.
- Multiple offences or prior involvement in crimes against minors will be punished with sentences exceeding 20 years.

Many attorneys who do not have the experience to try a child pornography case at either the state or federal level may urge you to accept a plea bargain, but a plea bargain should never be the first or only alternative you are offered.

Should you be convicted, the Innocence Legal Team can provide the legal justification for the judge to sentence below the recommended punishment. Our experts also know that most federal court bargains are conditioned on polygraph examinations. Our team works with the polygraph experts who were FBI trained and who are respected by the United States Attorneys and the FBI, and can arrange your own privileged examination before having you submit to one conducted by the government.

That is one of the many advantages that the Innocence Legal team can offer clients after 40 years' experience dealing exclusively in sex crimes cases.

Please go to the next step and contact us. We are your best chance of proving your innocence.