

A note from the LUNASHARK Team:

This filing contains disturbing content.

While we've redacted the worst of the worst content related to the graphic details involving children, there are still details that are disturbing and can be triggering.

This was a difficult conversation around sharing this filing. Ultimately, we decided to completely redact all specific graphic details surrounding the innocent children to still share the horrifying nature of these accusations.

Bad deeds cannot live in sunlight.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA	)	CRIMINAL NO. 3:25-cr-778
	)	
vs.	)	
	)	
ROBERT JOHN MAY, III,	)	
a.k.a. "joebiden69",	)	
a.k.a. "Eric Rentling"	)	

UNITED STATES' BRIEF IN SUPPORT OF MOTION FOR DETENTION

The United States of America, by and through Bryan P. Stirling, United States Attorney, Assistant United States Attorneys J. Scott Matthews, Dean Secor, and Trial Attorney Austin M. Berry, hereby files this brief in support of the Government's Motion for Detention of Defendant, Robert John May, III, (May or Defendant) because Defendant poses a danger to the community and a risk of nonappearance for future court proceedings.

FACTUAL & PROCEDURAL BACKGROUND

On June 10, 2025, a federal grand jury indicted the defendant, Robert John May, III, on 10 counts of distribution of child pornography, in violation of 18 U.S.C. § 2252A(a)(2). He was arrested on June 11, 2025. The charges against Defendant are based upon his use of a social media application, Kik, to participate in multiple chat groups dedicated to the trading of child pornography.

On May 27, 2024, Kik¹ sent a CyberTipline Report to the National Center for Missing and Exploited Children (NCMEC), regarding child pornography² (hereafter referred to as child

¹ MediaLab/Kik is a social media company based out of Los Angeles, California that operates the Kik Messenger Application. The Kik Messenger Application is a chat application that allows users to communicate, as well as share videos, and photographs both in group and person to person settings.

sex abuse material (CSAM)) being transmitted via the social media platform, by Kik user:

"joebiden69" on March 31, 2024, at 04:36:53 UTC.

NCMEC flagged 50 files as CSAM. Some of the files were duplicated, however there were 28 different videos containing CSAM. The CyberTipline Report provided an AT&T Internet Protocol (IP) address as being used to download and share the CSAM. NCMEC geolocated³ the IP address to West Columbia, SC (Lexington County). The South Carolina Attorney General's Office assigned the CyberTipline Report to the Lexington County Sheriff's Department in Lexington, SC.

On June 27, 2024, the Lexington County Sheriff's Office obtained a state search warrant requesting all customer or subscriber information for the AT&T account associated with the IP address. AT&T provided the billing party associated with IP address as May and the service address as May's residence in West Columbia, SC 29170 ("May family residence").

On June 27, 2024, the Lexington County Sheriff's Office obtained a South Carolina state court search warrant requesting the contents of the Kik account related to username: "joebiden69". On July 12, 2024, Kik complied and provided the subscriber information for

² Outside of the legal system, NCMEC chooses to refer to child pornography images as Child Sexual Abuse Material (CSAM) to most accurately reflect what is depicted – the sexual abuse and exploitation of children. "Child Pornography", as defined by congress, includes any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; (B) such visual depiction is a digital image, computer images, or computer-generated images that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct. 18 U.S.C § 2256(8).

³ Geolocation is the identification of the real-world geographic location of an object. This identification is done by generating a set of geographic coordinates such a latitude and longitude through GPS and using the coordinates to determine a meaningful location.

the account. The Kik user “joebiden69” registered the account on March 30, 2024, at 01:42:44 UTC using a Samsung SM-G781U1 Android smart phone⁴ and provided an unconfirmed email address. The above-referenced IP address was also used to register the Kik account. The contents of the account also contained 265 videos displaying CSAM. From March 30, 2024 until April 4, 2024, username “joebiden69” sent or received approximately 1,147 messages with other Kik users. The messages discussed trading CSAM with other users.

Kik provided the IP address that each user connected from for every message that was sent, not just a particular session. HSI analyzed those IP addresses and found that the vast majority connect back to May either at his residence or his Verizon cell phone account. Specifically, user “joebiden69” utilized Kik from a VPN 48 times, the Verizon account associated with May’s cell phone 67 times, and the May family residence Wi-Fi 958 times.

Agents confirmed during surveillance of the residence, and again during the search of the residence, that the Wi-Fi at the May residence was password protected. Thus, for the CSAM activity on Kik to have been conducted by someone other than May, that person would have had to know the Wi-Fi password. Similarly, someone would have had to possess May’s cell phone to have initiated the CSAM activity on Kik that utilized Verizon IP addresses.

⁴ Kik Messenger stores the phone's make and model information using device identifiers and system information. When the user installs and uses Kik on their phone, the app collects various details about your device, which typically includes: (a) Device Information: This includes the make and model of the device, operating system version, device identifiers (such as the device ID and possibly IMEI), and other hardware characteristics. (b) System Information: Kik might collect system-related information such as the type of operating system, version number, mobile network information, and other technical details. This information is usually gathered during the app installation and whenever the app runs, allowing Kik to optimize the app's performance for different devices, troubleshoot issues, and provide relevant updates.

On August 5, 2024, HSI and the South Carolina Law Enforcement Division (SLED), executed a federal search warrant at the May residence. During the search warrant, May identified one phone as being his personal phone and signed a conditional consent to search form so that HSI could access the phone and locate his attorney's phone number. That phone was located next to a CPAP machine on a night-stand on the left side of the bed in the master bedroom of the residence. A phone belonging to May's wife, Elisabeth Ruth Slawson, was located on a night-stand on the right side of the bed. May's phone and Slawson's phone are the same model number of phone (Samsung SM-G781U1 Android smart phone) used to register the Kik account bearing username "joebidenennn69" according to Kik's records. Nothing was found on Slawson's phone connecting it or Slawson with the receipt or distribution of CSAM. This stands in contrast to May's phone as discussed below.

The initial forensic analysis of the contents of May's phone yielded several items of evidentiary value. An examination of the user dictionary revealed it contained the terms "joebidenennn" and the same email address that was used to register the Kik account for username "joebidenennn69" on March 30, 2024. HSI's forensic analysis also revealed that May's phone contained evidence that the Kik application had been deleted from the device. May's phone also contained a Telegram application and a Mega application at one point that were subsequently deleted. Notably, Kik, Telegram, and Mega (as well as another application, "Loki Messenger")⁵ were all deleted on April 4, 2024, within seconds of each other. Importantly, in his Kik chats, May discussed the use of Telegram and Mega with his fellow like-minded pedophiles,

⁵ Loki Messenger is a decentralized anonymous messaging app that uses Signal's end-to-end encryption, Lokinet's onion routing or proxy requests, and the Loki Storage Server infrastructure. See <https://loki.network/2019/12/13/rebranding-loki-messenger/>.

both of which are applications that have frequently been used by individuals engaged in CSAM activity due to their encryption and foreign ownership.

Notably, May's Mega application had been registered in the name of "Eric Rentling", an alias used by May in another context. Indeed, the examination of May's phone also yielded evidence of an alias Facebook Account in the name of "Eric Rentling." The photo associated with this Facebook Account appears to be a picture of the back of May's head. Additionally, HSI located a series of conversations with female sex workers in the area around Medellin, Colombia, a place well known for sex work. Between April 12, 2023 and July 31, 2024, there were no less than 40 conversations with females using Facebook Instant Messenger via the alias Facebook Account "Eric Rentling." These messages were in Spanish and consisted largely of arranging "meet up" dates, time, price negotiations, and rules regarding the videoing of sexual encounters, all of which are indicative of sex work.

ARGUMENT

The factors to be considered in determining whether to release a defendant pending trial include: (1) the nature and circumstances of the offenses charged, including whether the offense is a crime of violence or involves a minor victim; (2) the weight of the evidence against the person; (3) the history and characteristics of the person, including family ties, the person's character, ties to the community, and criminal history; and (4) the nature and seriousness of danger to any person or the community that would be posed by the person's release. 18 U.S.C. § 3142(g).

Pursuant to 18 U.S.C. § 3142(e)(3), there is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of a defendant as required and the safety of the community if there is probable cause to believe that a defendant committed

an offense involving a minor victim, including distribution of child pornography in violation of 18 U.S.C. § 2252A. Moreover, for pretrial detention, the lack of reasonable assurance of either the defendant's appearance or the safety of others in the community is sufficient; both are not required. *United States v. Stewart*, 19 F. Appx. 46, 48 (4th Cir. 2001).

The Defendant should be detained pending trial under the circumstances of this case. Indeed, the factors enumerated in Section 3142(g) favor pretrial detention.

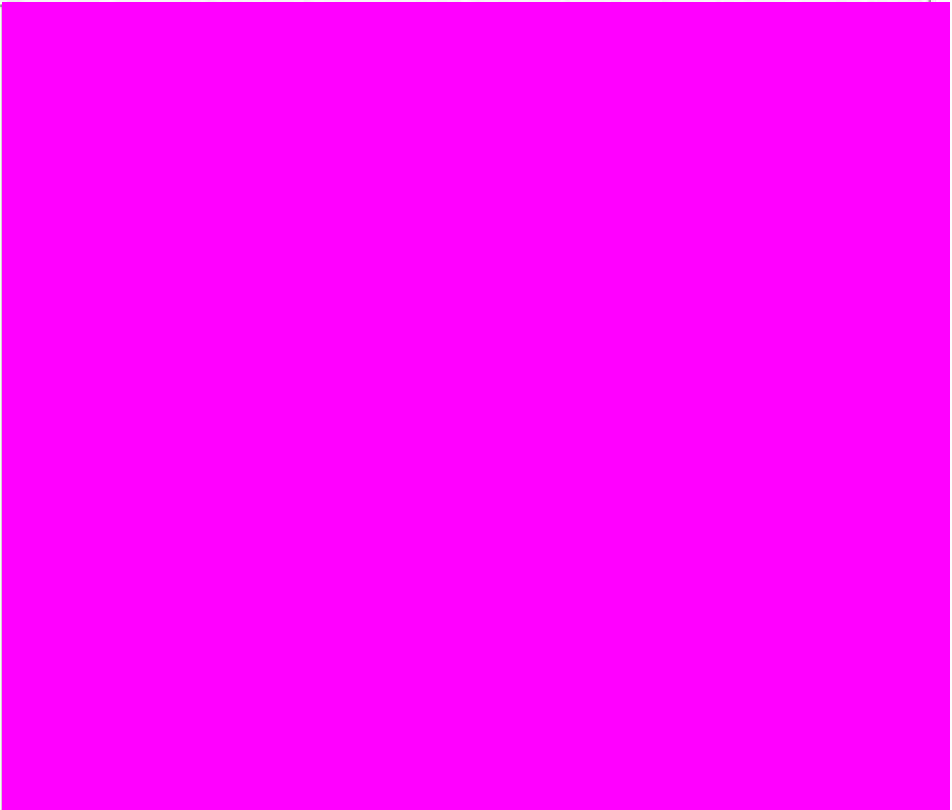
1. Nature and Circumstances of the Offense Charged

The mere possession and receipt of child pornography are serious offenses, but this defendant has distributed child pornography on numerous occasions to like-minded pedophiles who he gathered with in online communities where such behavior was normalized. Congress has deemed such offense a "crime of violence" and has accordingly imposed a mandatory minimum of five years incarceration, up to twenty years, for each individual distribution of child pornography. Importantly, Defendant distributed approximately 220 different child pornography videos about 479 times over the course of 5 days. (May distributed the same video sometimes multiple times).

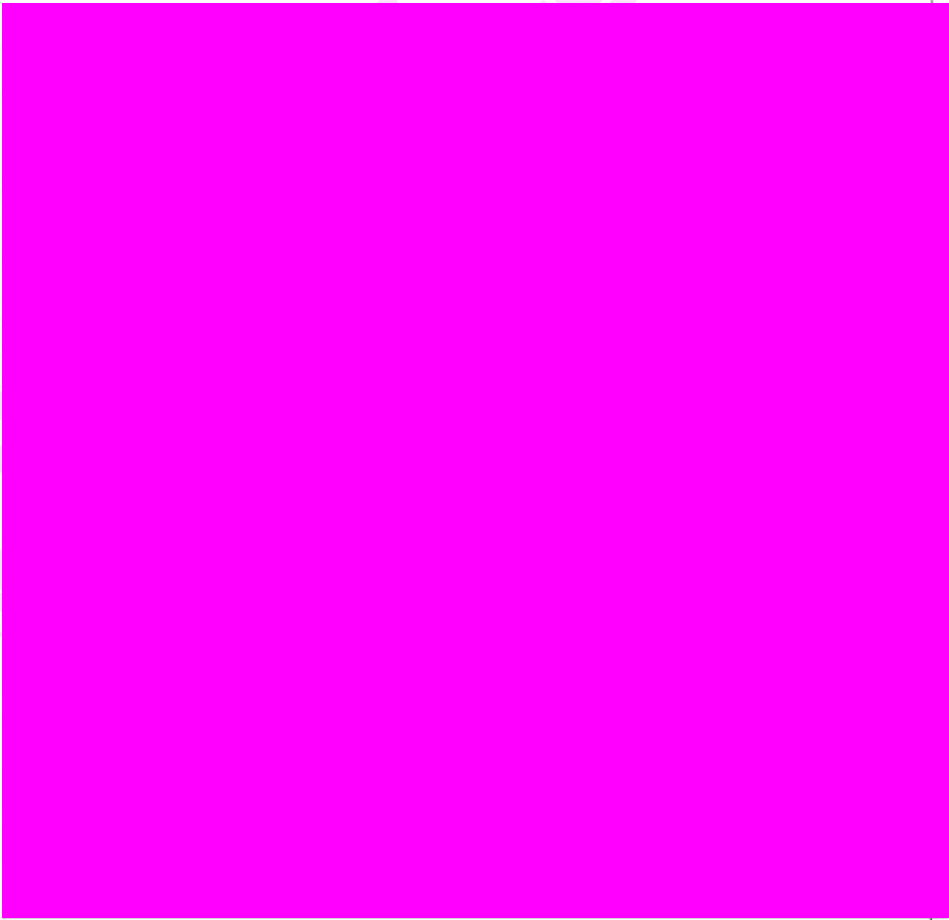
Below are descriptions of the 10 specific videos that the Grand Jury indicted Defendant for distributing over the course of but a few days. These videos are representative and consistent with the totality of videos that Defendant distributed via Kik.

Count	Distribution on/about	Content Recovered from MAY's "joebiden69" Account
1	April 3, 2024	Video Length: 1:08 Content ID (Last 4 Digits): 69c0 

Count	Distribution on/about	Content Recovered from MAY's "joebiden69" Account
		 Sender IP Address: May's phone & May's Residence In total, this video was distributed on five (5) separate occasions to five (5) different Kik users.
2	April 3, 2024	Video Length: 0:14 Content ID (Last 4 Digits): 5841  Sender IP Address: May's Residence
3	April 3, 2024	Video Length: 1:35 Content ID (Last 4 Digits): 13c8  Sender IP Address: May's Residence
4	April 3, 2024	Video Length: 1:57 Content ID (Last 4 Digits): 7018 

Count	Distribution on/about	Content Recovered from MAY's "joebidennnn69" Account
		 Sender IP Address: May's Residence In total, this video was distributed on two (2) separate occasions to two (2) different Kik users
5	April 1, 2024	Video Length: 0:12 Content ID (Last 4 Digits): 3a7a  Sender IP Address: May's Residence In total, this video was distributed on three (3) separate occasions to three (3) different Kik users.
6	April 1, 2024	

Count	Distribution on/about	Content Recovered from MAY's "joebiden69" Account
		Video Length: 1:42 Content ID (Last 4 Digits): 2928 
		Sender IP Address: May's Residence
7	April 1, 2024	Video Length: 1:58 Content ID (Last 4 Digits): 73d2 
		Sender IP Address: May's Residence
8	April 1, 2024	Video Length: 0:32 Content ID (Last 4 Digits): 63e8 

Count	Distribution on/about	Content Recovered from MAY's "joebiden69" Account
		 Sender IP Address: May's Cell Phone & May's Residence In total, this video was distributed on five (5) separate occasions to five (5) different Kik users.
9	April 3, 2024	Video Length: 1:15 Content ID (Last 4 Digits): d8e0  Sender IP Address: May's Residence

Count	Distribution on/about	Content Recovered from MAY's "joebiden69" Account
		In total, this video was distributed on two (2) separate occasions to two (2) different Kik users.
10	April 4, 2024	Video Length: 0:32 Content ID (Last 4 Digits): eaab  Sender IP Address: May's Residence In total, this video was distributed on two (2) separate occasions to two (2) different Kik users.

In addition to these distributions, May engaged in discussions with other like-minded pedophiles about the type of images he was interested in receiving back from them in exchange for what he sent. For example, in one conversation, May made express requests for familial incest themed child pornography.

joebiden69: Send the good stuff. **Mom daughter, mom son, fucking,** and vids in English

joebiden69: Or girl boy fucking.

[redacted username]: Okay

joebiden69: What's your preference?

[redacted username]: Father daughter

[redacted username]: You?

joebiden69: **Father mom daughter**

[redacted username]: I don't see many father mother daughter

[redacted username]: Is there a good amount going around?

joebiden69: No

[redacted username]: Actually I might have one lemme look

[redacted username]: Do you have any **age 6-12?**

joebiden69: Yeah. **Isn't that what I sent?**

Importantly, May is the father of two young children under the age of 10, with whom he lives. In other words, his Kik activity reveals that he has a sexual interest in children the same age as his own children. Moreover, his Kik activity clearly demonstrates that he has a sexual interest in incest between a father (like himself) and young children (like his own children), as well as incest between young children and their mother (like his wife).

2. Weight of the Evidence

The weight of the evidence is very strong. An analysis of May's various electronic devices reveals that he was engaged in illegal CSAM activity on Kik at the same time he was engaged in everyday life activities, including texting his wife, emailing clients, and calling others. For example, on April 1, 2024, he sent messages on Kik looking to trade CSAM with others, while simultaneously sending a work email about a political yard sign, and then a few

minutes later he was back on Kik informing another like-minded pedophile that he has CSAM involving a mom and child, and two minutes later sent a CSAM video.

4/1/2024 17:40:16	joebidennnnn69_rfg	Kik Chat	Trade?
4/1/2024 17:40:45	joebidennnnn69_rfg	Kik Chat	Trade?
4/1/2024 17:42:31	joebidennnnn69_rfg	Kik Chat	Yeah. One min
4/1/2024 17:57:28	ivorytuskconsulting@gmail.com ROBERT MAY	MAY's Lenovo Laptop	Email Subject: Yard Sign Data
4/1/2024 18:00:19	joebidennnnn69_rfg	Kik Chat	I got bad moms. What you got?
4/1/2024 18:02:22	joebidennnnn69_rfg	Kik Gallery	[...]c151da [CSAM video]

Similarly, on April 1, 2024, May sent a CSAM video via Kik on his phone, and then within 2 minutes he used his Facebook account to search South Carolina political candidates:

4/1/2024 18:23:57	joebidennnnn69_rfg	Kik Gallery	[...]aa8eaa [CSAM video]
4/1/2024 18:24:30	joebidennnnn69_rfg	Kik Group Chat	Yo
4/1/2024 18:25:50	12616643 ROBERT MAY	Facebook	You searched Facebook `troy simpson`
4/1/2024 18:25:53	12616643 ROBERT MAY	Facebook	You searched Facebook `Troy Simpson`
4/1/2024 18:30:48	12616643 ROBERT MAY	Facebook	You searched Facebook `alan driggers for sheriff`
4/1/2024 18:31:00	12616643 ROBERT MAY	Facebook	You searched Facebook `alan driggers`
4/1/2024 18:35:30	joebidennnnn69_rfg	Kik Chat	Bad moms? S2R
4/1/2024 18:37:27	joebidennnnn69_rfg	Kik Gallery	[...]356624 [CSAM video]

Also, on April 2, 2024, May used his personal laptop to visit a website regarding South Carolina legislation, and less than a minute later, he sent another CSAM video on Kik.

4/2/2024 01:21:35	MAY's Lenovo Laptop	MAY's Lenovo Laptop	Site Visited: DEI Ban Passes SC House! - ivorytuskconsulting@gmail.com - Gmail
4/2/2024 01:22:27	joebidennnn69_rfg	Kik Gallery	[...]fbe453 [CSAM video]

Additionally, while in the middle of a long session on Kik, May was also using his phone to text with friends. For example, at 1:10 on April 1st, he sent a text to two individuals saying “Excellent” in response to a previous message. Immediately thereafter, he sent another text, this time to a different person, wishing her “Happy Easter”. Less than two minutes later, May sent a CSAM video on Kik to a user, and less than 20 minutes later, he sent two more CSAM videos to a different user.

4/1/2024 01:10:21	joebidennnn69_rfg	Kik Chat	How amateur is amateur?
4/1/2024 01:10:35	7578766231 RJ May III	MAY's Android SM-G781U1	Excellent
4/1/2024 01:11:11	7578766231 RJ May III	MAY's Android SM-G781U1	Amen! Happy Easter!
4/1/2024 01:13:03	joebidennnn69_rfg	Kik Gallery	[...]e7d2b5 [CSAM video]
4/1/2024 01:32:55	joebidennnn69_rfg	Kik Gallery	[...]ea08f1 [CSAM video]
4/1/2024 01:34:27	joebidennnn69_rfg	Kik Gallery	[...]f9779b [CSAM video]

In addition, May logged out of his public-facing Facebook account “Robert May” and then immediately logged into his clandestine “Eric Rentling” account and began communicating with individuals in Colombia, including asking the age of a female. While still in his Rentling alias account, he conducted Facebook searches on South Carolina political candidates, including his own primary opponent.

4/2/2024 16:19:44	12616643 ROBERT MAY	Facebook	Logout
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4/2/2024 16:19:55	100082025200707 ERIC RENTLING	Facebook	Login
4/2/2024 16:19:56	100082025200707 ERIC RENTLING	Facebook	Login
4/2/2024 16:20:21	100082025200707 ERIC RENTLING	Facebook	SI? bueno. Foto? ["YES? good. Photo?"]
4/2/2024 16:22:10	100082025200707 ERIC RENTLING	Facebook	Qué edad tiene ella? ["How old is she?"]
4/2/2024 16:22:34	100082025200707 ERIC RENTLING	Facebook	Lo siento, he estado desaparecido. Tengo que viajar mucho por trabajo en esta época del año. ["Sorry, I've been MIA. I have to travel a lot for work this time of year."]
4/2/2024 16:22:46	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'gray for sc house distrc 88'
4/2/2024 16:23:01	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'graye for sc house distrc 88'
4/2/2024 16:23:11	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'loralie graye for sc house distrc 88'

This activity of switching between Facebook accounts is important for establishing the weight of the evidence because May used the Rentling account to set up meetings with female sex workers in advance of his travels to Medellin and Bogota. It is clear that May was the person engaged in these activities because law enforcement located 9 videos on May's laptop that showed him engaged in the exchange of money with three different females prior to him having sex with them in Colombia. Records have confirmed that May traveled to Colombia (Bogota and Medellin) three times between April 2023 and July 2024.

Two days later, on April 4, 2024, he did the same thing, logging out of his regular Facebook account and logging into the Rentling account mere seconds later, after which he sent a message to a female in Colombia, and then conducted searches for South Carolina political candidates. About two minutes after the Facebook searches, he was back on Kik, trying to engage with people to trade CSAM. Just prior to logging out of his Facebook account (Robert May), he was on 4chan searching for Kik groups on his personal laptop. In response to a post in

a Kik chat, May used his laptop to look up the meaning of “hebephile” and “hebephilia” (the erotic preference for pubescent children, roughly ages 12-14). May might have been unfamiliar with that term, especially considering his demonstrated interest in pre-pubescent children.

4/4/2024 15:28:52	MAY's Lenovo Laptop	MAY's Lenovo Laptop	Site Name: /b/ - Don't be a fag kik.me/g/jvS80B6ea0oCBAJ9rgF E6L3gsK - Random - 4chan
4/4/2024 15:35:35	12616643 ROBERT MAY	Facebook	Logout
4/4/2024 15:35:43	100082025200707 ERIC RENTLING	Facebook	Login
4/4/2024 15:35:44	100082025200707 ERIC RENTLING	Facebook	Login
4/4/2024 15:36:38	100082025200707 ERIC RENTLING	Facebook	Buenos dias hermosa [“Good morning beautiful”]
4/4/2024 15:38:51	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'graye for sc house'
4/4/2024 15:38:54	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'Lorelei Graye for SC House'
4/4/2024 15:39:57	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'dean widener'
4/4/2024 15:39:58	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'Dean Widener'
4/4/2024 15:40:38	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'dean widener for sc house'
4/4/2024 15:42:02	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'david martin for sc house'
4/4/2024 15:45:22	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'paul wickensimer'
4/4/2024 15:45:38	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'paul wickensimer for sc house'
4/4/2024 15:46:50	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'sarah current for sc house'
4/4/2024 15:47:55	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'sarah curran'
4/4/2024 15:48:12	100082025200707 ERIC RENTLING	Facebook	You searched Facebook 'sarah curran fore sc house'
4/4/2024 15:50:47	joebidennnnn69_rfg	Kik Group Chat	What I miss?
4/4/2024 15:59:07	joebidennnnn69_rfg	Kik Group Chat	Is this a 18+ group or?
4/4/2024	joebidennnnn69_rfg	Kik Chat	Trade?

16:03:16			
4/4/2024 16:03:40	MAY's Lenovo Laptop	MAY's Lenovo Laptop	Google Search: hebe meaning
4/4/2024 16:03:57	MAY's Lenovo Laptop	MAY's Lenovo Laptop	Google Search: hebephile meaning
4/4/2024 16:04:09	MAY's Lenovo Laptop	MAY's Lenovo Laptop	Web History: Hebephilia - Wikipedia

Similarly, on April 3, 2024, May used his cell phone to engage in a string of chats and distributions of CSAM from the Kik application. In the middle of that extended chat session, May called his wife. Again, this further adds to the weight of the evidence, showing that the user of the Kik account engaged in CSAM activity was in fact May, not some hacker.

4/3/2024 18:05:43	joebidennnn69_rfg	Kik Gallery		[...]55604c [CSAM video]
4/3/2024 18:05:43	joebidennnn69_rfg	Kik Gallery		[...]e913c8 [CSAM video]
4/3/2024 18:05:44	joebidennnn69_rfg	Kik Gallery		[...]fa436d [CSAM video]
4/3/2024 18:06:24	7578766231 RJ May III	Verizon	xxx-xxx-1418 BETH SLAWSON	Duration 00:00:09
4/3/2024 18:12:57	joebidennnn69_rfg	Kik Gallery		[...]05c08b [CSAM video]

3. History and Characteristics of the defendant

Defendant is a 38-year-old married father of two small children who lives in the Columbia area. He is an elected Representative of District 88 in the South Carolina State Legislature. He also has a political consulting business that ties him to the community. May has lived in this community and home environment, with the outward appearance of a family man and upstanding citizen. However, the community ties he will claim weigh in favor of his release pending trial are the same ties that he exploited to give him the appearance of law abidingness, all while he was a member a different community that knew the real him: The community where

he surreptitiously traded child pornography of prepubescent children with other like-minded pedophiles on Kik, engaged in online solicitation of prostitution in a foreign country via an alias Facebook account, and physically traveled to South America to engage in extra-marital commercial sex with these other females.

The online sexual exploitation of children, such as the distribution of child pornography, is a crime that is committed in secret. This secrecy, combined with the overwhelming presence of digital devices and the near universal access to the internet, makes detection of these criminal offenses quite difficult. It is not unusual, as is the case for this Defendant, for an offender to only be discovered because he had the misfortune of law enforcement infiltrating a secret group of like-minded offenders who use the Internet to sexually abuse and exploit children.

The mere lack of an arrest record's significance should also be called into question in cases involving the sexual exploitation of children because it is well-known that children often do not disclose sexual abuse, and that these types of crimes are all too often not reported to law enforcement. *See* K. London, M. Bruck, S. J. Ceci & D. W. Shuman, *Disclosure of Child Sexual Abuse: What Does the Research Tell Us About the Ways Children Tell?*, 11 PSYCHOLOGY, PUB. POL'Y & L. 1, 194-226 (American Psychological Association, 2005) (finding in a study of adult retrospective victim studies about child sex abuse, approximately 60 – 70% of adults sexually abused as children did not recall disclosing the abuse during childhood); *See also* D. W. Smith, E. J. Letourneau, B. E. Saunders, D. G. Kilpatrick, H. S. Resnick & C. L. Best, *Delay in Disclosure of Childhood Rape: Results from a National Survey*, 24 CHILD ABUSE & NEGLECT 2, 273-87 (2000) (the results of the study found that only 12% of child rape victims' assaults were reported to law enforcement authorities.).

4. Nature and seriousness of danger to any person in the community

Finally, this Court should consider the nature and seriousness of the danger to any person or the community that would be posed by Defendant's release. "The concern about safety is to be given a broader construction than the mere danger of physical violence. Safety to the community refers to the danger that the defendant might engage in criminal activity to the detriment of the community." *United States v. Kroeker*, No. 22-3092, 2022 WL 2610344, at *4 (10th Cir. July 8, 2022) (affirming detention in a case involving two counts of receiving and possessing child pornography) (quoting *United States v. Cook*, 880 F.2d 1158, 1161 (10th Cir. 1989)).

Similarly, Congress has determined that "the existence of and traffic in child pornographic images creates the potential for many types of harm in the community and presents a clear and present danger to all children." *United States v. Davin*, No. 12-10141-EFM, 2012 WL 2359419, at *3 (D. Kan. June 20, 2012) (quoting Pub. L. No. 104-208, § 121, 110 Stat. 3009 (codified at 18 U.S.C. § 2251)). That danger is specifically shown here by Defendant's trading of images of child sexual abuse, which encourages further criminal activity by others. It is wholly inappropriate to place Defendant back into the same home in which he was living while engaged in criminal conduct and wherein he would be effectively unsupervised. Despite Pretrial Services' best efforts, they are simply no match for a tech-savvy man with the pressing desire to consume child pornography.

Internet crimes against children carry a unique feature in that they can be perpetrated entirely from the privacy of one's own home, and without the intervention or assistance of others. Aside from near daily repeated, intrusive, unannounced visits by probation wherein a probation officer conducts an exhaustive search of a defendant's home, basement to attic (*which*,

importantly, probation does not have the authority to do), there is no real way for internet usage, and specifically, cell phone usage, to be prevented and access to children restricted entirely.

The internet is easily accessible by a multitude of means and devices. *See United States v. Ybarra*, No. 21-10061-JWB, 2021 WL 3849470, at *4 (D. Kan. Aug. 27, 2021) (“Access to the internet is gained not only from a home computer, but also from public computers and hand-held devices which are readily available and easily concealed.”) Even imposing conditions which restrict Defendant from the internet, computers, or cellphones cannot alleviate the danger Defendant poses because means of accessing the internet by someone who is strongly predisposed to engage in the conduct at issue are still readily available. *See United States v. Renander*, 431 F. Supp. 3d 1240, 1246 (D. Colo. 2020) (“Moreover, cellular devices are usually small and easily concealed. Living with his parents and being subject to random searches by Pretrial Services is therefore not a combination of conditions that can reasonable ensure the community’s safety.”) Indeed, May engaged in this behavior on his cell phone and from his own home on multiple occasions, presumably without his wife’s knowledge. If he can hide this criminal activity from the person he shares a bedroom with, then he can easily hide it from any court enforcement mechanism. Furthermore, there is evidence that he has recently traveled to South America to engage in commercial sex, again presumably without his wife’s knowledge that he ever even left the country. Thus, he is very likely to be able to evade detection by court enforcement of release conditions.

And when the Court considers the dangerousness of the alleged criminal conduct in this case, the ability of Defendant to continue his life unfettered by a restriction of detention pending a quick and speedy trial, pales in comparison to the risk of his release to the very same home and conditions in which he is alleged to have committed his criminal conduct. Indeed, “[o]ne of the

fundamental duties of government is public safety, including protecting children from sexual predators.” *United States v. Vicente Rosal Abad*, 350 F. 3d 793, 797 (8th Cir. 2003).

CONCLUSION

Based on the above facts, Defendant is a serious danger to the community. Less restrictive conditions of release, like location monitoring, are inappropriate considering the allegations in this case involve Defendant violating some of the most heinous federal criminal statutes that exist from the comfort of his home. Furthermore, the members of society that would be most vulnerable to the danger Defendant’s release poses are precisely those who are the least capable of protecting themselves and those the Government has the highest burden to protect. The United States urges this Court to find that there are no conditions or combination of conditions that will reasonably assure Defendant’s appearance in court nor ensure the safety of the community. Therefore, pursuant to Title 18, United States Code, Sections 3142(e)(3)(E), the Government requests that Defendant be detained pending trial.

Respectfully submitted,

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