

FILED

NOV 14 2019

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

V.

THOMAS ALAN ARTHUR,

Defendant.

P19 CR 774

INDICTMENT

[Vio: 18 U.S.C. § 1466(A), Obscene visual representations of the sexual abuse of children; 18 U.S.C. § 1462, Importation or transportation of obscene matters; 18 U.S.C. § 1466, Engaging in the Business of Selling or Transferring Obscene Matter]

The Grand Jury Charges:

Count One
[18 U.S.C. § 1466A(1)(a)]

On or about October 24, 2019, in the Western District of Texas, the Defendant,

THOMAS ALAN ARTHUR,

did knowingly produce, distribute, receive, and possess with the intent to distribute, a visual depiction of any kind, including a drawing that depicts a minor engaging in sexually explicit conduct and is obscene, to-wit: a drawing a of a prepubescent female engaged in the lascivious exhibition of the genitals or pubic area.

A violation of Title 18, United States Code, Section 1466A(1)(a), Section 2, and *Pinkerton v. United States*, 328 U.S. 640 (1946).

Count Two
[18 U.S.C. § 1462]

On or about October 24, 2019, in the Western District of Texas, the Defendant,

THOMAS ALAN ARTHUR,

aided and abetted by others, knowingly used an interactive computer service for carriage in

interstate and foreign commerce, an obscene matter, to-wit: obscene story 1.

A violation of Title 18, United States Code Section 1462 Section 2, and *Pinkerton v. United States*, 328 U.S. 640 (1946).

Count Three
[18 U.S. C. § 1462]

On or about October 24, 2019, in the Western District of Texas, the Defendant,

THOMAS ALAN ARTHUR,

aided and abetted by others, knowingly used an interactive computer service for carriage in interstate and foreign commerce, an obscene matter, to-wit: obscene story 2.

A violation of Title 18, United States Code, Section 1462 Section 2, and *Pinkerton v. United States*, 328 U.S. 640 (1946).

Count Four
[18 U.S.C. § 1462]

On or about October 24, 2019, in the Western District of Texas, the Defendant,

THOMAS ALAN ARTHUR,

aided and abetted by others, knowingly used an interactive computer service for carriage in interstate and foreign commerce, an obscene matter, to-wit: obscene story 3.

A violation of Title 18, United States Code, Section 1462, Section 2, and *Pinkerton v. United States*, 328 U.S. 640 (1946).

Count Five
[18 U.S.C. § 1462]

On or about October 24, 2019, in the Western District of Texas, the Defendant,

THOMAS ALAN ARTHUR,

aided and abetted by others, knowingly used an interactive computer service for carriage in interstate and foreign commerce, an obscene matter, to-wit: obscene story 4.

A violation of Title 18, United States Code, Section 1462, Section 2, and *Pinkerton v. United States*, 328 U.S. 640 (1946) .

Count Six
[18 U.S.C. § 1462]

On or about October 24, 2019, in the Western District of Texas, the Defendant,
THOMAS ALAN ARTHUR,
aided and abetted by others, knowingly used an interactive computer service for carriage in interstate and foreign commerce, an obscene matter, to-wit: obscene story 5.

A violation of Title 18, United States Code, Section 1462, Section 2, and *Pinkerton v. United States*, 328 U.S. 640 (1946).

Count Seven
[18 U.S.C. § 1466]

From on or about January 1, 1996 to on or about November 7, 2019, in the Western District of Texas, and elsewhere, the Defendant,

THOMAS ALAN ARTHUR,
aided and abetted by others, was engaged in the business of selling and transferring obscene matter, and knowingly received and possessed with the intent to distribute obscene stories and drawings of minors engaging in sexually explicit conduct, which was shipped and transported in interstate and foreign commerce.

A violation of Title 18, United States Code, Section 1466, Section 2, and *Pinkerton v. United States*, 328 U.S. 640 (1946).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE
[See Fed. R. Crim. P. 32.2]

I.

Obscenity Violations and Forfeiture Statutes

As a result of the foregoing criminal violation set forth in Counts One through Seven the

United States of America gives notice of its intent to seek the forfeiture of certain property subject to forfeiture, upon conviction, and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. §§ 1467(a)(1), (2), and (3), which states:

Title 18 U.S.C. § 1467. Criminal forfeiture

(a) Property subject to criminal forfeiture.-A person who is convicted of an offense involving obscene material under this chapter shall forfeit to the United States such person's interest in -

- (1)** any obscene material produced, transported, mailed, shipped or received in violation of this chapter;
- (2)** any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- (3)** any property, real or personal, used or intended to be used to commit or to promote the commission of such.

A True Bill.

**Original signed by the
foreperson of the Grand Jury**

Foreperson

JOHN F. BASH
United States Attorney

Monica R. Morrison

MONICA R. MORRISON
AUSTIN M. BERRY
Assistant United States Attorneys