

**Nov 18, 2016**

STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**16-10043-CR-MOORE/MCALILEY**  
CASE NO. \_\_\_\_\_

18 U.S.C. § 2252(a)(4)(B) & (b)(2)

18 U.S.C. § 2253

**UNITED STATES OF AMERICA,**

**v.**

**RUSSELL HUDSON CULLEN,**

**Defendant.**

\_\_\_\_\_ /

**INDICTMENT**

The Grand Jury charges that:

**COUNTS 1-2**

On or about March 15, 2016, in Monroe County, in the Southern District of Florida, the defendant,

**RUSSELL HUDSON CULLEN,**

did knowingly possess matter, as set forth in each count below, which contained any visual depiction that had been shipped and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, and which was produced using materials which have been so shipped and transported, by any means, including by computer, and the production of such visual depiction having involved the use of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such visual depiction was of such conduct:

Count	Matter
1	Asus Laptop, SN: 13GNPO1AM020-1-1272-00B7
2	Lacie External Hard Drive, SN: 1103612056154C3P3U2F

In violation of Title 18, United States Code, Section 2252(a)(4)(B) and (b)(2).

Pursuant to Title 18, United States Code, Section 2252(b)(2), it is further alleged that such visual depiction involved a prepubescent minor and a minor who had not attained twelve years of age.

### **FORFEITURE ALLEGATIONS**

1. The allegations of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **RUSSELL HUDSON CULLEN**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 2252, as alleged in this Indictment, the defendant shall forfeit the following property to the United States pursuant to Title 18, United States Code, Section 2253:

a. any visual depiction of a minor engaged in sexually explicit conduct, and any book, magazine, periodical, film, videotape, or other matter that contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110 of Title 18, United States Code;

b. any property, real or personal, constituting or traceable to gross profits or other proceeds which the defendant obtained from such violation; and

c. any property, real or personal, used or intended to be used to commit or to promote the commission of such violation and any property traceable to such property.

3. The property that is subject to forfeiture includes, but is not limited to, the following:

- a. One (1) Asus laptop, Model: UX32A, SN: 13GNPO1AM020-1-1272-00B7, seized from the defendant on or about March 15, 2016; and
- b. One (1) Lacie External Hard Drive, SN: 1103612056154C3P3U2F, seized from the defendant on or about March 15, 2016;

All pursuant to Title 18, United States Code, Section 2253, and the procedures set forth at Title 21, United States Code, Section 853, as made applicable by Title 18, United States Code, Section 2253(b).

A TRUE BILL

FOREPERSON

  
\_\_\_\_\_  
WIFREDO A. FERRER  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
MATTHEW J. LANGLEY  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

v.

RUSSELL HUDSON CULLEN,

Defendant.

## Superseding Case Information:

Court Division: (Select One)

\_\_\_\_\_ Miami \_\_\_\_\_ X Key West  
 \_\_\_\_\_ FTL \_\_\_\_\_ WPB \_\_\_\_\_ FTP

New Defendant(s) Yes \_\_\_\_\_ No \_\_\_\_\_  
 Number of New Defendants \_\_\_\_\_  
 Total number of counts \_\_\_\_\_

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No) No  
List language and/or dialect \_\_\_\_\_
- This case will take 2-3 days for the parties to try.
- Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

I	0 to 5 days	<u>x</u>	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>x</u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge:

Case No. \_\_\_\_\_

(Attach copy of dispositive order)

Has a complaint been filed in this matter?

(Yes or No) No

If yes:

Magistrate Case No. \_\_\_\_\_

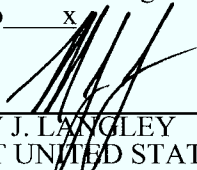
Related Miscellaneous numbers: \_\_\_\_\_

Defendant(s) in federal custody as of \_\_\_\_\_

Defendant(s) in state custody as of \_\_\_\_\_

Rule 20 from the District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes \_\_\_\_\_ No x8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes \_\_\_\_\_ No x

  
 MATTHEW J. LANGLEY  
 ASSISTANT UNITED STATES ATTORNEY  
 FLORIDA BAR NO. 97331

\*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: RUSSELL HUDSON CULLEN

Case No: \_\_\_\_\_

Counts #: 1-2

Possession of Child Pornography

Title 18, United States Code, Section 2252(a)(4)(B) and (b)(2)

\*Max. Penalty: 20 Years' Imprisonment

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**