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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

SOUTHERN DIVISION

UNITED STATES OF AMERICA)

v.)

JONATHAN WRYN VANCE)

) **CASE: 2:08-CR-00286-RDP-RRA**

PLEA AGREEMENT

The United States of America, acting on behalf of the United States and through the United States Attorney for the Northern District of Alabama, the undersigned Assistant United States Attorney, hereinafter referred to as the government, and defendant Jonathan Wryn Vance hereby acknowledge the following plea agreement in this case:

PLEA

The defendant agrees to plead guilty to **COUNTS ONE, THREE, FOUR, FIVE, SEVEN, EIGHT, TEN, ELEVEN, THIRTEEN, FOURTEEN, NINETEEN, TWENTY, TWENTY-TWO, TWENTY-THREE, TWENTY-FIVE, TWENTY-SEVEN, THIRTY, THIRTY-TWO, THIRTY-THREE, THIRTY-FOUR, THIRTY-SIX, THIRTY-EIGHT, FORTY, FORTY-ONE, FORTY-FOUR, and FORTY-FIVE** of the Indictment filed in the above numbered and

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captioned matter. In exchange, the government agrees to dismiss **COUNTS TWO, SIX, NINE, TWELVE, FIFTEEN, SIXTEEN, SEVENTEEN, EIGHTEEN, TWENTY-ONE, TWENTY-FOUR, TWENTY-SIX, TWENTY-EIGHT, TWENTY-NINE, THIRTY-ONE, THIRTY-FIVE, THIRTY-SEVEN, THIRTY-NINE, FORTY-TWO, and FORTY-THREE**, and agrees to recommend the disposition specified below.

TERMS OF THE AGREEMENT

I. MAXIMUM PUNISHMENT:

The Parties understand that the maximum statutory punishment, per count, that may be imposed for the crime of Attempted Production of Child Pornography, in violation of Title 18, United States Code, Section 2251, as charged in **COUNT FOUR** is:

- a. Imprisonment for not more than 30 years, but with a mandatory minimum of 15 years, (Defendant understands that the court may run imprisonment terms consecutively, for each count, which may result in a maximum term of imprisonment up to LIFE imprisonment.);
- b. A fine of not more than \$250,000.00, or,
- c. Both (a and b);

- d. Supervised release of not less than 5 years up to Life; and,
- e. Special Assessment Fee of \$100.00 per count.

The Parties understand that the maximum statutory punishment, per count, that may be imposed for the crime of Attempted Coercion and Enticement, in violation of Title 18, United States Code, Section 2422(b), as charged in **COUNTS THREE, SEVEN, TEN THIRTEEN, NINETEEN, TWENTY-TWO, TWENTY-SEVEN, THIRTY-TWO, THIRTY-EIGHT, and FORTY** is:

- a. Imprisonment for not more than LIFE, but with a mandatory minimum of 10 years, (Defendant understands that the court may run imprisonment terms consecutively, for each count, which may result in a maximum term of imprisonment up to LIFE imprisonment.);
- b. A fine of not more than \$250,000.00, or,
- c. Both (a and b);
- d. Supervised release of not less than 5 years up to Life; and,
- e. Special Assessment Fee of \$100.00 per count (10 x \$100.00 = \$1,000.00).

The Parties understand that the maximum statutory punishment, per count, that may be imposed for the crime of Interstate Communications, in violation of Title 18,

United States Code, Section 875(d), as charged in **COUNTS ONE, FIVE, EIGHT, ELEVEN, FOURTEEN, TWENTY-THREE, THIRTY-FOUR, THIRTY-SIX, and FORTY-ONE** is:

- a. Imprisonment for not more than 2 years, (Defendant understands that the court may run imprisonment terms consecutively, for each count, which may result in a maximum term of imprisonment up to LIFE imprisonment.);
- b. A fine of not more than \$250,000.00, or,
- c. Both (a and b);
- d. Supervised release of not more than 1 year; and,
- e. Special Assessment Fee of \$100.00 per count (9 x \$100.00 = \$900.00).

The Parties understand that the maximum statutory punishment, per count, that may be imposed for the crime of Fraud and related activity in connection with identification documents, authentication features, and information, in violation of Title 18, United States Code, Section 1028(a)(7), (b)(2), and (C)(3)(A), as charged in **COUNTS TWENTY, TWENTY-FIVE, THIRTY, and THIRTY-THREE** is:

- a. Imprisonment for not more than 5 years, (Defendant understands that the court may run imprisonment terms consecutively, for

each count, which may result in a maximum term of imprisonment up to LIFE imprisonment.);

- b. A fine of not more than \$250,000.00, or,
- c. Both (a and b);
- d. Supervised release of not more than 1 year; and,
- e. Special Assessment Fee of \$100.00 per count (4 x \$100.00 = \$400.00).

II. FACTUAL BASIS FOR PLEA:

The United States would be prepared to prove the following facts beyond a reasonable doubt at the trial of this case:

Beginning in or about January, 2006, and continuing until sometime in or about June, 2008, within the Northern District and Middle District of Alabama, the defendant, JONATHAN WRYN VANCE, repeatedly used computers and interactive computer services to transmit threatening communications to more than 50 minor females and young women located in Alabama, Pennsylvania, and Missouri (hereinafter "the victim addressees").

VANCE transmitted these threatening communications with the intent to extort, and to attempt to extort, two principal things of value from the victim addressees: first, their confidential sign-on information for various interactive computer services, such

as Facebook.com, MySpace.com, Hotmail.com, and Yahoo.com; and second, digital still images or webcam video of the victim addressees in various states of undress, exposing themselves and engaging in sexually explicit conduct.

In his threatening communications, VANCE engaged in a pattern of extortion or attempted extortion in which he would at first pretend to be a friend, acquaintance, or secret admirer of the victim addressees. For that purpose, VANCE used a number of different online screen names, including Metascape, Manescape 22, Manicscape, Locustmachine, Locustmachine2, Nightlicense, Auburnin07, Auburn1109, Toddroberts11, and Davelogan88. VANCE also misappropriated the online identities of many of the victim addressees.

Once he had gained some measure of trust from the victim addressees, VANCE would ask them for some personal information.

- (a) VANCE sometimes accomplished this by initiating a seemingly playful game in which he would pose as an anonymous long lost friend or secret admirer who would only reveal his true identity after the victim addressees truthfully answered a series of 10 questions. The questions, which typically asked for body measurements, vaginal grooming, past sexual experiences, and current sexual fantasies, were designed to elicit intimate and embarrassing personal information

from the victim addressees. As soon as he had acquired any such information, VANCE would demand that the victim addressees provide him with one or both things of value described above in paragraph 2. He would also inform the victim addressees that if they did not comply with his demands, he would injure their reputations by transmitting the intimate and embarrassing personal information about them to other people, including their peers, church members, and employers.

- (b) VANCE sometimes approached the victim addressees by posing as one of their own family members, friends or online contacts. Under that guise, VANCE would send an email or instant message to one victim addressee from the account of another person (typically another victim addressee), pretending that the sender could not access her Facebook.com or MySpace.com account and needed to borrow the victim addressee's account sign-on information in order to address the problem. Once he had obtained access to the victim addressees' accounts, VANCE would immediately change the passwords, effectively holding the accounts hostage. He would then initiate further communications to the victim addressees informing

them of the trick and demanding that they send him digital images or webcam video transmissions of themselves in various states of undress, nude, or engaging in sexually explicit conduct, in order to regain access to their accounts.

Some victim addressees complied to varying degrees with VANCE's demands; others did not. To those that complied, VANCE carried on his pattern of extortion by sending further demands and more threatening communications.

All of the threatening communications were transmitted over the internet using a facility of interstate commerce: namely, a computer or interactive computer service connected to the internet. Many of the threatening communications were sent via the America Online (AOL) Instant Messenger instant messaging service (AIM). The vast majority of the communications were conducted using AOL and Facebook, which required the communications to travel through computers outside the state of Alabama. AOL is based in Virginia, and Facebook is based in California.

For instance: Counts One & Three (Victim: K.H.S.)

In July 2007, VANCE contacted K.H.S. and said he would reveal his true identity if she would answer 10 questions. The questions became very personal and sexual in nature. Once she answered the questions, VANCE threatened to reveal her answers to all of her friends unless she provided her Facebook password. She

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complied with Vance's demands and provided her Facebook password. VANCE took control of her Facebook account and threatened to send her answers to her Facebook friends unless she sent 3 pictures: 1 with her clothes on; 1 in her bra and underwear; and 1 completely naked. K.H.S. took the pictures as directed , and sent them to VANCE. He posted the bra and panty picture on her Facebook page. VANCE still refused to return her Facebook account, and demanded more photos. He specifically requested an up close shot of her vagina, and repeatedly asked "Will you Fuck Me?". In November 2007, VANCE contacted her again and indicated he still had the pictures of her, but if she sent 5 more then he would delete all the pictures. He asked her if she was shaved "down there". He was much more explicit this time, demanding pictures of her vagina and directing her to take pictures in different ways; for instance, telling her to bend over. K.H.S. was born in or about 1990, and was a female minor, 16 and 17 years old, during the course of this conduct.

Counts Five & Seven: (Victim: T.A.B.)

VANCE contacts T.A.B. online and acts as a secret admirer. He calls her sexy and asks to play a game of 10 questions. VANCE comments that she has a great body, then asks for her height/weight; bra size; farthest she's been with a guy; ever been felt up or felt a guy up; "down under, you shaved bald, trimmed up, or neither?"; who is the hottest guy in our grade; where would you love to make out at; what's your

fantasy spot, hot tub, in a pool, lake, field. He threatens to disclose answers to guys at school unless she provides passwords to Yahoo! Accounts. She complies with his demand. VANCE changes her Facebook and Yahoo! Account passwords, so she can't access them unless she complies with his demands. He asks for accounts and naked pictures, and specifically says "cuz if you don't get your cell phone out, your reputation is ruined". T.A.B. was born in or about 1992, and was a female minor, 14 and 15 years old, during the course of this conduct.

Counts Eight & Ten: (Victim: C.L.V.)

In July, 2007, VANCE contacted her as a secret admirer and asked 10 personal/sexual questions which she answered. Her answers included her bra size; that she had sex with 9/10 boys and THEIR NAMES; that she was RAPED (including forced anal); and that she trimmed her pubic hair. VANCE then demanded her Yahoo! And Facebook passwords or else he was going to send her personal answers out: "Now do what I fucking want or this IM goes out to everybody on your friends list." Initially, he demanded 10 pictures, "whatever he wanted." He told her to "get in a full length mirror everything you're wearing(sic) right now, from head to toe, alright." She begged him not to do this to her, then said, "you might as well as rape me this hurts more." VANCE then responded "I give you til 10 to send me 3 pictures, one of you fully dressed, one of you in bra and panties, one of you completely naked,

from head to toe, in front of a mirror if you don't send all 3 by 10, this IM gets sent out on facebook." She responded, "why are you doing this to me" and his response was "to screw you for being a bitch bye" She gave VANCE her Facebook and Yahoo! Passwords, and VANCE took control of her Facebook account. She did NOT send any pictures. C.L.V. was born in or about 1990, and was a female minor, 16 years old, during the course of this conduct.

Counts Eleven & Thirteen: (Victim: H.A.Z.)

VANCE contacted her on her birthday in 2007 via AIM, using METASCAPE. He called himself a secret admirer and wanted her to answer questions before he would reveal his real identity. The questions became very personal and sexual in nature. VANCE demanded her usernames and passwords to her AOL and Facebook accounts or he would reveal her personal information to classmates. She complied with his demands. VANCE refused to return her accounts unless she sent pictures: 1 in bra and panties, one full body nude, one back shot, and one front shot. She also received some calls from private numbers. Her dad switched phone companies and numbers. H.A.Z. was born in or about 1991, and was a female minor, 15 and 16 years old, during the course of this conduct.

Count Fourteen: (Victim: S.M.B.)

S.M.B. was contacted by VANCE using M.S.'s identity. VANCE requested her

Facebook account password. She called her mother, who started chatting with VANCE online. He threatened to embarrass S.M.B. and mess with S.M.B. on Facebook page, unless THEY took five pictures of whatever he wanted. VANCE asked Mom how far she would strip for her daughter and demanded that they do what he wanted until 11p.m. Mom ended chat and told VANCE she was going to contact police. She did NOT send any pictures. S.M.B. was born in or about 1993, and was a female minor, 14 years old, during the course of this conduct.

Counts Nineteen & Twenty: (Victim: L.G.)

VANCE contacted her using, Sarah Ringo's identity. He asked for her password, but she refused. Then he asked a bunch of other questions, including the names of her pets. The pet name is L.G.'s password hint. Then he contacted her as Metascape. He advised L.G. that he locked her out of her Facebook account, and would give it back for 10 pictures with and without her clothes on. During conversation, she asked him, "can u not just look at the pictures of me on facebook". VANCE responded, "Of course I can but there's none of you in your underwear (or less) on facebook". He specifically asked for pictures in varying states of dress and undress from fully dressed to COMPLETELY NAKED. She did NOT send any pictures. VANCE controlled her Facebook account from 8/30/07 at 7:58:45 p.m. through 9/2/07 at 9:13:41p.m. L.G. was born in or about 1992, and was a female

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minor, 15 years old, during the course of this conduct.

Count Twenty-Two: (Victim: K.C.)

VANCE contacted her using L.G.'s identity, and asked for her password to her Facebook profile. She complied, and she was subsequently locked out from her profile. VANCE then IM'd her as Metascape and told her if she would take pictures of herself he would unlock her Facebook account. VANCE also said he wanted to "see her nude." She did NOT send any pictures. K.C. was born in or about 1992, and was a female minor, 15 years old, during the course of this conduct.

Counts Twenty-Three & Twenty-Five: (Victim: S.F.M.)

In September 2007, VANCE contacted her as a secret admirer, and made a statement that she "is one sexy beast". She thought it was a friend from school. He said that if she answered 10 questions he would reveal his identity. He asked height, weight, bra size, how far she had been sexually, and if she masturbated. VANCE then indicated that he had changed her Facebook and if she wanted it back she had to do what he wanted. VANCE threatened to instant message some guys in her friends list with their previous conversation. VANCE demanded 5 pictures with the first being full length from head to toe, and then he would tell her what to send next. She did NOT send any pictures. VANCE later used her identity to attempt to extort E.A.M. S.F.M. was born in or about 1992, and was a female minor, 15 years old, during the course

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of this conduct.

Count Twenty-Seven: (Victim: E.A.M.)

VANCE contacted her in September using S.F.M.'s identity and indicated he need her Facebook password to check her messages. Believing she was talking to her friend, SM, E.A.M. provided her password. VANCE then demanded 5 nude pictures from her, because he had complete control of her Facebook. She did NOT send any pictures. E.A.M. was born in or about 1992, and was a female minor, 15 years old, during the course of this conduct.

Count Thirty: (Victim: S.S.B.)

She was contacted by VANCE using BRS's identity. VANCE, posing as BRS, requested her Facebook login and Yahoo! Password which she provided. VANCE demanded she take 5 pictures of whatever he requested by 6p.m. She refused and did not send any pictures. S.S.B. was born in or about 1981, and was an adult female during the course of this conduct.

Counts Thirty-Two & Thirty-Three: (Victim: B.R.S.)

B.R.S. was contacted in summer 2007 by METASCAPE. VANCE acted as if he knew her and seemed to know a lot about her. He convinced her to give him her Facebook password. VANCE wanted her to answer 10 questions, but she refused. He asked if she had a camera and requested that she send him nude pictures of her.

She is aware that VANCE used her identity to contact two of her friends in an attempt to obtain their passwords. She did NOT send any pictures. VANCE later used her identity to attempt to extort S.S.B. B.R.S. was born in or about 1992, and was a female minor, 15 and 16 years old, during the course of this conduct.

Count Thirty-Four: (Victim: M.B.B.)

She was contacted by Defendant using K.L.D.'s identity. VANCE requested her Yahoo! account and password. He demanded five pictures or he would ruin her Facebook life forever. She did NOT send any pictures. M.B.B. was born in or about 1992, and was a female minor, 14 and 15 years old, during the course of this conduct.

Counts Thirty-Six & Thirty-Eight: (Victim: A.M.H.)

VANCE contacted her in August 2007, and asked her a series of questions like those previously described. She answered his questions. VANCE demanded usernames and passwords to her AOL and Facebook accounts or he would reveal her personal information to classmates. She provided her Facebook password and the password to her Juno email account. VANCE immediately changed the passwords and refused to return them to her unless she sent five pictures in stages of undressing. She refused to send photos. He used her Facebook account to contact at least 2 other identified individuals. She did NOT send any pictures. A.M.H. was born in or about 1991, and was a female minor, 15 years old, during the course of this conduct.

Count Forty: (Victim: A.M.R.)

In August 2007, VANCE contacted her using "CRYSTAL's" identity and was able to get control of her Facebook and BellSouth email account. She does NOT know how VANCE was able to take control of her accounts, but VANCE demanded 10 pictures of how he wanted her in various states of dress and undress. She did not send any pictures. A.M.R. was born in or about 1992, and was a female minor, 14 years old, during the course of this conduct.

Count Forty-One: (Victim: L.E.R.)

L.E.R. was contacted by VANCE as METASCAPE during the summer of 2007. VANCE commented that she was sexy, and would reveal his identity if she would answer questions about her bra size and how far she had been sexually with a guy. She refused to answer the questions and VANCE threatened to ruin her reputation. She says she didn't give VANCE her Facebook password, but he was able to take over her account, including her Yahoo! and MySpace accounts. In the last AIM conversation with VANCE, her father told VANCE to leave her alone. VANCE threatened to hurt persons in her family. She no longer stays at home by herself and is worried for her safety. She did NOT send any pictures. L.E.R. was born in or about 1991, and was a female minor, 16 years old, during the course of this conduct.

FBI agents searched the residence of VANCE, and subsequently seized

computer media and hard drives that were used to facilitate the crimes enumerated in this factual basis. The following computer media and hard drives were seized:

- 1) Dell Inspiron 1520 Laptop, serial#4CPZSFSF19476383645;
- 2) 160GB Seagate Momentus 5400 SATA hard drive, Model#ST9160821AS;
- 3) 40GB Fujitsue IDE hard drive, Model#MHT2040AH;
- 4) 512MB SanDisk flashrive, S/N AX0601304263B;
- 5) 256MB SanDisk cruzer thumbdrive; and,
- 6) 1GB SanDisk thumbdrive, BB06040UB.

VANCE was not arrested and consented to a voluntary, non-custodial interview. VANCE was born in or about 1984, and lived in Auburn, Alabama. VANCE graduated from Auburn University in August 2007. VANCE admitted to spending several hours online each night. VANCE admitted that he contacted high school girls via AIM and posed as their secret admirer. VANCE admitted to using the screenname METASCAPE. VANCE admitted to telling the girls that he would reveal his identity if they would answer ten questions. The questions were sexually explicit and were intended to embarrass the girls. VANCE admitted to threatening the girls to send the answers from the question game to their friends at school in order to damage their reputation. VANCE also admitted that he would demand Facebook and/or email passwords to the girls' accounts. After VANCE received the answers and/or passwords, VANCE admitted that he would not reveal his identity, but would ask the girls to send photographs over AIM or to his email account "metascape@aim.com".

VANCE indicated that he usually asked for the following three photos: one in clothes, one in bra and panties, and one fully naked. VANCE said that he knew the girls were underage, but he became obsessed with chatting with the girls online and attempting to extort more naked photographs. VANCE said he knew the girls were intimidated, and VANCE said that he pressured them with a time line in order to get them to take the photographs.

Towards the end of February, beginning of March, 2008, the Defendant purchased a laptop computer. Towards the end of March, 2008, the Defendant moved from Alabama to Atlanta, Georgia. By the 3rd week of April, 2008, the Defendant, once again, started contacting unknown people on Facebook, and spent a lot of time on the computer looking at pornography and trying to take over unknown individuals email and Facebook accounts. In or about May, 2008, law enforcement officers from the Georgia Bureau of Investigation(GBI), and Montgomery County, Pennsylvania Detective's Bureau(MCPDB) executed a search warrant at the Defendant's new residence in Georgia, and seized the Defendant's laptop computer. The Defendant consented to a voluntary, non-custodial interview. The Defendant admitted to joining the Atlanta Facebook network where he searched profiles for females, age 14-24, then looked at the members main page to gain information on potential victims. The Defendant admitted to having engaged in the exact same type of conduct previously

mentioned, including, but not limited to, criminal conduct threatening and extorting children and young women to produce images of child pornography.

The Defendant attempted to extort naked photographs and video sessions. The Defendant said that the game was a way for the Defendant to feel in control and powerful, and that Facebook is a breeding ground for identity theft. The Defendant admitted to being able to successfully hack numerous victims' Facebook accounts. In fact, the Defendant hacked so many Facebook accounts, that the Defendant could not recall all of the Defendant's victims. The Defendant recalled successfully getting two or three girls to send naked photos in April 2008, which the Defendant saved to his computer, but later deleted. The Defendant could not remember their screennames, but said that at least two of the girls were under the age of 18.

On or about April, 2008, the Defendant contacted a 14 year old female child, who was in Pennsylvania, via the internet. The Defendant quickly engaged in the same type of conduct previously mentioned. In addition, the Defendant ordered the child victim to download specialized software to her computer that would enhance the Defendant's ability to view the child. Even though the child victim repeatedly told the Defendant that she was 14 years old, the Defendant continued his conduct. In less than 2 hours of chat, the Defendant demanded that the child "be his slave for 30 minutes" in order to get her Facebook account back, and then the Defendant

proceeded to demand that the child victim get naked, shower, and masturbate on a live webcam video feed. In addition, the Defendant attempted to get the 14 year old child victim to wake up her 10 year old sister and get the 10 year old sister of the 14 year old child to submit to the Defendant's demands, as well. The Defendant specifically told the child victim to wake up her sister, strip her, and make out with her 10 year old sister. The Defendant also demanded that the child victim pour milk on herself, pee in the carton, and then the Defendant ordered the child victim to drink her own pee.

Upon being notified that an arrest warrant had been issued for the Defendant, the Defendant voluntarily surrendered to the United States Marshals office. After self-surrendering, the Defendant voluntarily agreed to be interviewed by agents of the Federal Bureau of Investigation. Although the Defendant could not name all of his victims, the Defendant identified four victims that would likely have never been identified by the government. In fact, without any plea agreement in place, the Defendant has voluntarily consented to four interviews, one of which included submission to a lie detector test. The Defendant indicated that he has never met any of his victims for sexual purposes, has never engaged in inappropriate sexual contact with a child, and never made arrangements to meet any of his victims. The Defendant also stated that there was no one else involved in the Defendant's criminal conduct,

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and the Defendant never communicated with any other possible Defendants about how the Defendant did the aforementioned crimes. The Defendant is unaware of any other possible Defendants, or any other individuals possibly engaged in any sort of criminal conduct. According to the government's investigation, interviews, and computer forensic evidence, the Defendant never inappropriately touched any of the children, never inappropriately touched any of the young woman, and never met any of his targeted victims for sexual purposes.

As a result of the Defendant's voluntary interviews, the FBI has disseminated information through out the country to other law enforcement officers about how the Defendant engaged in circumventing various security measures of free email services, such as: Yahoo, Gmail, and Hotmail, and how the Defendant engaged in rather unique social engineering tactics. In addition, the FBI in an effort to educate the public about internet safety have been giving numerous presentations to schools, adults, and children regarding how the Defendant was able to target and take advantage of people on the internet. The FBI and the government have been advising adults and children that some of the Defendant's victims were in their mid-20's and college educated.

Attorneys from Facebook, Yahoo!, and Hotmail have indicated that the information provided about the Defendant's case was appreciated and could be useful. In addition, the information about how the Defendant committed the aforementioned

crime will be provided to several non-profit organizations that conduct school and community education programs about internet safety.

The defendant hereby stipulates that the facts as stated above are substantially correct.



Jonathan Wryn Vance, Defendant

III. COOPERATION BY DEFENDANT:

The defendant agrees to waive his Fifth Amendment privilege against self-incrimination and to provide TRUTHFUL AND COMPLETE INFORMATION to the government concerning any and all aspects of the charged crimes, including, but not limited to, his role and participation in the offenses, as well as the roles taken by and the extent of participation of all other persons involved in these crimes of whom the defendant has knowledge. ALL SUCH INFORMATION AND TESTIMONY SHALL BE TRUTHFUL AND HONEST AND WITH NO KNOWING MATERIAL FALSE STATEMENTS OR OMISSIONS.

Further, the defendant agrees to provide assistance and cooperation to the United States as defined and directed by the Federal Bureau of Investigation or any other investigative agency or body as the United States Attorney for the Northern District of Alabama may authorize, which cooperation may include the defendant's periodic submission to a polygraph examination to determine the truthfulness and

accuracy of his statements and information.

IV. MOTION PURSUANT TO USSG § 5K1.1:

The United States agrees to file a motion requesting a downward departure in the defendant's sentence, and specifically recommend a sentence of 180 months (15 years) imprisonment, because the defendant has provided assistance that rises to the level of "substantial assistance," as that term is used in USSG § 5K1.1.

When the government moves to reduce the defendant's sentence, a motion will be filed prior to the defendant's sentencing hearing and will outline all material assistance which the defendant has provided. The parties clearly understand and acknowledge that because the defendant's plea is being offered in accordance with Rule 11(c)(1)(B), Fed.R.Crim.P., the Court will not be bound by the government's recommendation and may choose not to reduce the sentence at all.

V. RECOMMENDED SENTENCE:

1) JOINT RECOMMENDATIONS

Pursuant to Rule 11(c)(1)(B), Fed.R.Crim.P., the government and the defendant understand, agree, and recommend that the Statement of Facts as set forth above would be proved beyond a reasonable doubt at trial, and will recommend the following disposition:

- (a) At the time of sentencing, the government and the defendant, with "substantial assistance" by the defendant, will recommend a sentence of

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180 months (15 years) imprisonment, and agree that such a sentence is reasonable under 18 U.S.C. § 3553;

- (b) The government will recommend a two (2) level reduction in the defendant's adjusted offense level, based upon the defendant's apparent prompt recognition and affirmative acceptance of personal responsibility for his criminal conduct. The government agrees to make a motion pursuant to U.S.S.G. § 3E1.1(b) for an additional one (1) level decrease in recognition of the defendant's acceptance of personal responsibility for his conduct. The government may oppose *any* adjustment for acceptance of responsibility if the defendant (a) fails to admit each and every item in the factual stipulation; (b) denies involvement in the offense; (c) gives conflicting statement about his involvement in the offense; (d) is untruthful with the Court, the Government, or the United States Probation Officer; (e) obstructs or attempts to obstruct justice prior to sentencing; (f) engages in any criminal conduct between the date of this agreement and the date of sentencing; or (g) attempts to withdraw his plea of guilty for any reason other than those expressly enumerated in the Limited Waiver of Right to Appeal and Post-Conviction Relief section of this plea agreement;
- (c) The Defendant understands that there is no agreement as to his criminal history or criminal history category, and that his criminal history could alter his offense level if he is a career offender or if the instant offense was a part of a pattern of criminal conduct from which he derived a substantial portion of his income;
- (d) The government will agree to the defendant's request that this sentence be served concurrent with the charges originally filed in the Middle District of Alabama, however the defendant understands that such request is at the discretion of this court;
- (e) That the defendant be required to pay restitution to the minor victims in this case, and any other minor victims identified in Alabama, Missouri, and Pennsylvania. This amount is to pay the victims for necessary medical services relating to psychiatric and psychological care, and necessary transportation;

- (f) That the defendant pay a Special Assessment fee of \$100.00 per count, said amount due and owing as of the date sentence is pronounced (24 x \$100.00 = \$2,400.00);
- (g) That following the term of imprisonment, the defendant be placed on supervised release for a period of Life: and,
- (h) Should the government learn that the defendant has sexually abused or assaulted any minor, or committed any other crime of violence or if any victim should come forward prior to the defendant's sentencing, this agreement will be considered null and void.

2) GOVERNMENT RECOMMENDATIONS

Pursuant to Rule 11(c)(1)(B), Fed.R.Crim.P., the government will recommend the following, and the defendant reserves the right to oppose such recommendations:

- (a) That the term of supervised release for a period of Life, be subject to the standard conditions of supervised release as set forth in U.S.S.G. § 5D1.3, and to the following special condition(s):
 1. That the defendant be required to register as a sex offender for the full term of his supervised release, or for the full term provided for under the law of the jurisdiction he chooses as his domicile, whichever is longer;
 2. That the defendant not have contact with any child under the age of 18, without the presence of an adult and approved in advance by the Probation Officer, this includes prohibiting the defendant from having any contact with any child by telephone or the internet. The defendant shall immediately report any unauthorized contact with minor-aged children to the Probation Officer;
 3. That the defendant complete a sex offender evaluation, which may include periodic psychological, physiological, polygraph, plethysmography testing, and completion of the ABEL

assessment, at the direction of the Probation Officer;

4. That the Defendant participate and successfully complete an approved state-certified sex offender treatment program, including compliance with all lifestyle restrictions and treatment requirements of the program. The defendant shall allow reciprocal release of information between the Probation Officer and the treatment provider. The defendant shall contribute to the cost of treatment according to the defendant's ability to pay;

5. That the Defendant register as a sex offender, according to the laws of each state in which the Defendant resides, is employed, or is attending school. The Defendant shall provide verification of compliance with this requirement to the Probation Officer; and,

6. That the defendant be prohibited from using any computer, or any other device, with internet access, unless approved in advance by the Probation Officer, or required for employment. If approved by the Probation Officer, or required for employment, the defendant must allow the Probation Officer or designee to conduct random inspections, including retrieval and copying of data from any computer, and any personal computing device that the defendant possesses or has access to, including any internal or external peripherals. This may require temporary removal of the equipment for a more thorough inspection. The defendant shall not possess or use any data encryption technique or program. According to the defendant's ability to pay, the defendant shall purchase and use such hardware and software systems that monitor the defendant's computer usage, if directed by the Probation Officer.

VI. WAIVER OF RIGHT TO APPEAL AND POST-CONVICTION RELIEF:

In consideration of the recommended disposition of this case, I, Jonathan Wryn Vance, hereby waive and give up my right to appeal my conviction in this case, as

well as any fines, restitution, and/or sentence the court might impose upon me. Further I waive and give up the right to challenge any conviction or sentence imposed or the manner in which the sentence was determined in any collateral attack, including, but not limited to, a motion brought under 28 U.S.C. § 2255, subject to the following limitations:

The defendant reserves the right to contest in an appeal or post-conviction proceeding any or all of the following:

- (a) Any sentence imposed in excess of the applicable statutory maximum sentence(s); and,
- (b) Any sentence that constitutes an upward departure from the advisory guideline sentencing range calculated by the court at the time sentence is imposed.

The defendant acknowledges that before giving up these rights, he discussed the Federal Sentencing Guidelines and their application to his case with his attorney, Thomas J. Spina, who explained them to his satisfaction. The defendant further acknowledges and understands that the government retains its right to appeal where authorized by statute. I, Jonathan Wryn Vance, hereby place my signature on the line directly below to signify that I fully understand the foregoing paragraphs, and that I am knowingly and voluntarily entering into this waiver.



Jonathan Wryn Vance

VII. UNITED STATES SENTENCING GUIDELINES:

Counsel has explained to the defendant, that in light of the United States Supreme Court's recent decision in United States v. Booker, the federal sentencing guidelines are advisory in nature. Sentencing is in the court's discretion and is no longer required to be within the guideline range. The defendant agrees that, pursuant to this agreement, the court may use facts it finds by a preponderance of the evidence to reach an advisory guideline range and defendant explicitly waives any right to have those facts found by a jury beyond a reasonable doubt.

VIII. AGREEMENT NOT BINDING ON COURT:

The Parties fully and completely understand and agree that it is the Court's duty to impose sentence upon the defendant and that any sentence recommended by the government is NOT BINDING UPON THE COURT, and that the Court need not accept the government's recommendation. Further, the defendant understands that if the Court does not accept the government's recommendation, he does not have the right to withdraw his plea.

IX. VOIDING OF AGREEMENT:

The defendant understands that should he (a) violate any federal, state, or local law after entering into this Plea Agreement, (b) move the Court to accept his plea of guilty in accordance with, or pursuant to, the provisions of North Carolina v. Alford,

400 U.S. 25 (1970), or (c) tender a plea of *nolo contendere* to the charges, the agreement will become NULL and VOID, and the United States will not be bound by any of the terms, conditions, or recommendations, express or implied, which are contained therein.

X. OTHER DISTRICTS AND JURISDICTIONS:

The parties understand and agree that this agreement DOES NOT BIND any other United States Attorney in any other district, or any other state or local authority, except for the United States Attorney's Offices in the Middle District of Alabama, Eastern District of Missouri, and Eastern District of Pennsylvania. The United States Attorney's Offices for the Eastern District of Missouri and the Eastern District of Pennsylvania have agreed to not charge the Defendant in relation to any of the aforementioned criminal conduct that occurred beginning in or about January, 2006, and continuing until sometime in or about June, 2008, provided the Defendant is sentenced to a minimum of 15 years imprisonment in the above captioned case and the government does not learn that the defendant has sexually abused or assaulted any minor, or committed any other crime of violence. The United States Attorney's Office for the Middle District of Alabama has agreed to transfer charges in the Middle District of Alabama District Court case, 3:08-cr-00194-WHA, pursuant to Rule 20, and agree that those charges run concurrent with the above captioned case in the

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Northern District of Alabama, provided the Defendant is sentenced to a minimum of 15 years imprisonment and the government does not learn that the defendant has sexually abused or assaulted any minor, or committed any other crime of violence.

XI. TAX, FORFEITURE AND OTHER CIVIL/ADMINISTRATIVE PROCEEDINGS:

Unless otherwise specified herein, the parties understand and acknowledge that this agreement does not apply to or in any way limit any pending or prospective proceedings related to defendant's tax liabilities, if any, or to any pending or prospective forfeiture or other civil or administrative proceedings.

The Defendant agrees to forfeit to the government all of his right, title, and interest in any and all money, property, or assets of any kind, derived from or acquired as a result of, or used to facilitate the commission of, the Defendant's illegal activities, including all digital cameras, digital camera-related media, personal computers, and computer-related media used to facilitate this offense, including but not limited to the following property:

- 1) Dell Inspiron 1520 Laptop, serial#4CPZSFSF19476383645;
- 2) 160GB Seagate Momentus 5400 SATA hard drive, Model#ST9160821AS;
- 3) 40GB Fujitsue IDE hard drive, Model#MHT2040AH;
- 4) 512MB SanDisk flashrive, S/N AX0601304263B;
- 5) 256MB SanDisk cruzer thumbdrive; and,
- 6) 1GB SanDisk thumbdrive, BB06040UB.

The Defendant agrees to assist fully the government in the forfeiture of the

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foregoing assets. The Defendant agrees to take all steps necessary to pass to the government clear title to these assets, including but not limited to executing any and all documents necessary to transfer his interest in any of the above property to the government, assisting in bringing any assets located outside the United States within the jurisdiction of the United States, and taking whatever steps are necessary to ensure that assets subject to forfeiture are not sold, disbursed, wasted, hidden or otherwise made unavailable for forfeiture. The Defendant further agrees that he will not assist a third party in asserting a claim to the foregoing assets in an ancillary proceeding.

The Defendant knowingly waives all constitutional, legal and equitable defenses to the forfeiture of the foregoing assets. It is further understood that, in the event that the government files a judicial civil action, or any law enforcement agency initiates an administrative forfeiture proceeding, seeking to forfeit these assets, the Defendant will not file a claim with the Court or agency or otherwise contest such a forfeiture action and will not assist a third party in asserting any such claim. It is further understood that the Defendant will not file or assist anyone in filing a petition for remission or mitigation with the Department of Justice concerning the forfeited assets.

XII. DEFENDANT'S UNDERSTANDING:

I have read and understand the provisions of this agreement consisting of pages.

I have discussed the case and my constitutional and other rights with my lawyer. I am satisfied with my lawyer's representation in this case. I understand that by pleading guilty, I will be waiving and giving up my right to continue to plead not guilty, to a trial by jury, to the assistance of counsel at that trial, to confront, cross-examine, or compel the attendance of witnesses, to present evidence in my behalf, to maintain my privilege against self-incrimination, and to the presumption of innocence. I agree to enter my plea as indicated above on the terms and conditions set forth herein.

NO OTHER PROMISES OR REPRESENTATIONS HAVE BEEN MADE TO ME BY THE PROSECUTOR, OR BY ANYONE ELSE, NOR HAVE ANY THREATS BEEN MADE OR FORCE USED TO INDUCE ME TO PLEAD GUILTY.

I further state that I have not had any drugs, medication, or alcohol within the past 48 hours except as stated hereafter:

I understand that this Plea Agreement will take effect and will be binding as to the Parties **only** after all necessary signatures have been affixed hereto.

I have personally and voluntarily placed my initials on every page of this Agreement and have signed the signature line below to indicate I have read and approve all of the previous paragraphs of this Agreement, and understand all of the provisions of this Agreement, both individually and as a total binding agreement.

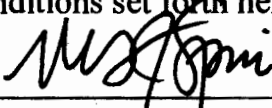
12/20/08
DATE

Jonathan Wryn Vance
Jonathan Wryn Vance
Defendant

XIII. COUNSEL'S ACKNOWLEDGMENT:

I have discussed this case with my client, Jonathan Wryn Vance, in detail and have advised Jonathan Wryn Vance of his rights and all possible defenses. My client has conveyed to me that he understands this Agreement and consents to all its terms. I believe the plea and disposition set forth herein are appropriate under the facts of this case and are in accord with my best judgment. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

12/20/08
DATE




Thomas J. Spina
Defendant's Attorney

XIV. GOVERNMENT'S ACKNOWLEDGMENT:

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

12/22/08
DATE

ALICE H. MARTIN
United States Attorney


Daniel J. Fortune
Assistant United States Attorney