

NO:

**IN THE
SUPREME COURT OF THE UNITED STATES**

OSCAR WILLIAMS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit**

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED FOR REVIEW

- I. WHETHER THE PRODUCTION OF CHILD PORNOGRAPHY BY
THE ALLEGED VICTIMS SUPPORTS A CONVICTION UNDER TITLE
18 U.S.C. SECTION 2251(a)?
- II. WHETHER PETITIONER, OSCAR WILLIAMS, EXTORTED THE
ALLEGED VICTIMS SUPPORTING A CONVICTION UNDER TITLE 18
U.S.C. SECTION 875(d)?

INTERESTED PARTIES

Counsel for the Petitioner, Oscar Williams, certifies that the following persons and entities have or may have an interest in the outcome of this case:

1. A.G.;
2. Honorable Jacqueline Becerra, U.S. Magistrate;
3. Jonathan Colan, U.S. Attorney;
4. Jorge Luis Del Villar, Esq., Counsel for Defendant;
5. D.B.K.;
6. Honorable Ariana Fajardo-Orshan, U.S. Magistrate Judge;
7. Honorable Darrin P. Gayles, U.S. District Judge;
8. Juan Antonio Gonzalez, Assistant U.S. Attorney;
9. Honorable Jonathan Goodman, U.S. Magistrate;
10. Evan Hoffman, Assistant U.S. Attorney;
11. Vanessa S. Johannes, Assistant U.S. Attorney;
12. Honorable Lauren Fleischer Louis, U.S. Magistrate;
13. M.M.;
14. Daniel Matzkin, Assistant U.S. Attorney;
15. Lacee E. Monk, Assistant U.S. Attorney;
16. Kenneth Noto, Assistant U.S. Attorney;

17. Jessica K. Obenauf, Assistant U.S. Attorney;
18. Honorable Alicia M. Otazo-Reyes, U.S. Magistrate;
19. Richard L. Rosenbaum, Esq., Counsel for Appellant;
20. S.C.;
21. Dayron Silverio, Assistant U.S. Attorney;
22. Lisa Tobin-Rubio, Assistant U.S. Attorney;
23. Honorable Edwin G. Torres, U.S. Magistrate;
24. Oscar Williams, Defendant/Appellant;
25. Deric Zacca, Assistant U.S. Attorney;
26. William T. Zloch, Assistant U.S. Attorney
27. No publicly traded company or corporation has an interest in the outcome of this appeal.

TABLE OF CONTENTS

	<u>PAGE</u>
QUESTION PRESENTED FOR REVIEW.....	i
INTERESTED PARTIES.....	ii-iii
TABLE OF CONTENTS.....	iv
APPENDIX.....	v
TABLE OF CITATIONS AND AUTHORITIES.....	vi-vii
PETITION.....	1-40
OPINION BELOW.....	2
STATEMENT OF JURISDICTION.....	2
STATUTORY AND OTHER PROVISIONS INVOLVED.....	2-3
STATEMENT OF THE CASE.....	3-11
STATEMENT OF THE FACTS.....	11-29
REASONS FOR GRANTING THE WRIT.....	30-40
CONCLUSION.....	40

APPENDIX

Superseding Indictment (March 3, 2022)	A-1
Decision of the Eleventh Circuit Court of Appeals in <i>United States v. Oscar Williams</i> , Case No: 22-14270 (January 2, 2025)	A-2
Judgment imposing Sentence (December 16, 2022)	A-3

TABLE OF CITATIONS AND AUTHORITIES

Cases

<i>Elonis v. United States</i> , 575 U.S. 732 (2015).....	38
<i>Lynch v. United States</i> , 783 Fed. Appx. 904 (11 th Cir. 2019).....	34
<i>United States v. Cross</i> , 677 F.3d 278 (6 th Cir. 2012), habeas proceeding 2013 U.S. Dist. LEXIS 135, 845 (W.D. Mich. 2013).....	37
<i>United States v. Holder</i> , 302 F.Supp. 296 (D. Mont. 1969), affirmed, 427 F.2d 715 (9 th Cir. 1970)	38, 39
<i>United States v. Lee</i> , 603 F.3d 904 (11 th Cir. 2010).....	34
<i>United States v. Moran</i> , 57 F.4 th 977 (11 th Cir. 2023).....	35, 36
<i>United States v. Petrovic</i> , 701 F.3d 849 (8 th Cir. 2012).....	39
<i>United States v. Richardson</i> , 304 F.3d 1061 (11 th Cir. 2002).....	34

Other Authorities

Fifth Amendment, United States Constitution	3
Sixth Amendment, United States Constitution	3
Part III, Rules of the Supreme Court of the United States	2
Supreme Court Rule 10	30
Supreme Court Rule 13.1	2
Rule 29, Fed.R.Crim.P.	7, 36, 40
Rule 52(b), Fed.R.Crim.P.....	3
Title 18 Section 2252A(a)(1)	34
Title 18 U.S.C. Section 3742.....	2
Title 18 U.S.C. Section 2251(a)(e).....	30

TABLE OF CITATIONS AND AUTHORITIES (cont'd)

Title 18, U.S.C. Section 875(c)	38
Title 28 U.S.C. Section 1254(1)	2
Title 28 U.S.C. Section 1291	2

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PETITION FOR WRIT OF CERTIORARI

Oscar Williams respectfully petitions the Supreme Court of the United States for a Writ of Certiorari to review the Judgment of the United States Court of Appeals for the Eleventh Circuit rendered and entered in Case No: 22-14270 in that court on January 2, 2025, in *Oscar Williams v. United States*, which affirmed the Judgment and Commitment of the United States District Court for the Southern

District of Florida. The Judgment was issued as Mandate on January 31, 2025 (R 63-2).

OPINION BELOW

A copy of the decision of the United States Court of Appeals for the Eleventh Circuit, which affirmed the Judgment and Commitment of the United States District Court for the Southern District of Florida, is contained in Appendix (A-2). Also included in the Appendix is the Superseding Indictment (A-1) and the Judgment imposing sentence (A-3).

STATEMENT OF JURISDICTION

The decision of the Court of Appeals was entered on January 2, 2025 (A-1). This petition is timely filed pursuant to Sup. Ct. R. 13.1.

Jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1), Sup. Ct. R. 10.1 and Part III of the Rules of the Supreme Court of the United States. The district court had jurisdiction because Petitioner was charged with violating federal criminal laws. The Court of Appeals had jurisdiction pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3742, which provide that Courts of Appeals shall have jurisdiction for all final decisions of United States district courts.

STATUTORY AND OTHER PROVISIONS INVOLVED

Petitioner relies upon the following constitutional provisions, treaties,

statutes, rules, ordinances, and regulations:

1) Fifth Amendment to the United States Constitution:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; not shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; not shall private property be taken for public use without just compensation

2) Sixth Amendment to the United States Constitution:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

3) Rule 52(b), Fed.R.Crim.P.; and

4) Other case law specified herein.

STATEMENT OF THE CASE

Course of Proceedings and Disposition in the Court Below

According to agents of the Federal Bureau of Investigations (hereinafter referred to as "FBI"), "a complainant" advised agents on December 2, 2019, in the New York Field Office, that the complainant's minor daughter was extorted into

producing and transmitting nude photographs and videos of herself via SnapChat¹ to a person later believed by law enforcement to be Oscar Williams, age 30. The complainant advised that her daughter was 14 years old at the time, and referred to her by her initials, D.B.K.

Law enforcement believed that Oscar Williams was associated with two SnapChat accounts: “Smiley25200” and “Thatboiroyroy25.” D.B.K. advised the Agent that she was scared of the person using those accounts and that he extorted her into sending multiple pornographic pictures and videos she made of herself to him. The images were subsequently reviewed by law enforcement and believed to constitute child pornography.

On December 3, 2020, a two (2) Count Indictment along with forfeiture allegations was filed against Oscar Williams. (DK 8). On January 21, 2021, Oscar Williams was arraigned and a plea of not guilty was entered on his behalf. (DK 11).

Subsequently, the Government filed a Motion for Protective Order seeking to restrict dissemination of the materials responsive to the Standing Discovery

¹ The Government’s forensic expert explained “SnapChat,” is one of the first they called ephemeral, but it’s just a fancy word for disappearing. So ,when you send a Snap, unless something else is done, after it’s viewed it is automatically deleted, and if the user takes a screen capture of some sort, it will notify the other user. (DK 131-117-118).

Order, and instructions on how to refer to the alleged victim in the case so as to keep the child's name anonymous. (DK 24-1-2).

The defense filed its Motion for Psychiatric Examination and Competency Evaluation in August, 2021. (DK 30). The defense advised that it had "reason to believe that the Defendant does not understand the serious nature and consequences of the proceedings against him," and that Oscar Williams was not believed to have a sufficient present ability to adequately consult with counsel with a reasonable degree of rational understanding. The Motion was granted. (DK 32). A Motion to Enforce Order for Competency Evaluation was thereafter filed by the Government. (DK 33). The issue was set for hearing, but the results of the evaluation are not set forth in the Record. (DK 37).

On March 2, 2022, a five (5) Count Superseding Indictment was returned charging the Defendant in Counts I, III-V with four Counts of Production of Child Pornography and one Count of extortion (Count II), as well as forfeiture allegations. (DK 48). Arraignment was conducted on March 16, 2022, and a not guilty plea again entered on the Defendant's behalf. (DK 54).

The United States filed a Motion in Limine in support of introduction of 404(b) evidence of two categories of uncharged criminal conduct committed by Oscar Williams: (1) multiple web searches for child pornography on the

Defendant's cell phone; and (2) multiple images and videos of child pornography found on Defendant's cell phone that were not charged in the Superseding Indictment. The evidence was intended to be introduced by the Government to establish that Oscar Williams had the motive, intent, plan, and knowledge to commit the offenses charged, and did not do so by mistake. No Response in Opposition was filed by the defense.

Voir Dire was conducted on July 11, 2022, without any objections being lodged by the Government or the defense. (DK 129-145-159). A Jury was sworn. (DK 129-162).

The following day, preliminary instructions were read to the Jury. (DK 130-6-15). Opening statements were given by the Government (DK 130-15-22) and the defense (DK 130-22-23). The defense contended that the Government could only produce an IP address which identified a Wi-Fi account, not a type of device that was used to commit the alleged crimes. (DK 130-22-23). The defense asserted that the evidence at trial would show that the Government was unable to establish who was on the other end of the device, whether it be through the internet, SnapChat, or some other computer program.

Trial was conducted on July 11, 2022 and continued on July 12th, 13th, and concluded on July 14, 2022. At the conclusion of the Government's case, the

defense moved for a Judgment of Acquittal pursuant to Rule 29, Fed.R.Crim.P. (DK 131-198). The defense challenged the legal sufficiency to support the elements of the crimes charged. Specifically, the defense contended that the Government failed to prove the identity of the Defendant as the one promoting child pornography or extorting Minor # 1 over photos and images. (DK 131-199). At the conclusion of the evidence, the defense renewed it's Motion for Judgment of Acquittal arguing that the evidence was circumstantial only and that the evidence was insufficient for the case to proceed to the Jury. (DK 132-7).

The Government argued that there had been "... an abundance of evidence and testimony presented in this case from which the Jury could conclude that the Defendant was the individual causing these girls to create child pornography and also the individual who threatened Minor # 1." (DK 131-201). The Government argued that for each victim they introduced a set of chats and communications that occurred from the Defendant's IP address where he resided, the same address from his driver's license, the address where law enforcement encountered him during the execution of the Search Warrant, and the address where the phone was ultimately seized. The Government argued that there was no dispute that the phone belonged to Oscar Williams. The Government argued that Oscar Williams acknowledged the same in his interview with law enforcement. He acknowledged

the phone number was his and all of that supported the information the FBI gathered and established that acquittal was not warranted. (DK 131-202).

Additionally, the Government argued it was significant that the common thread to all the girls was that they all spoke with “Thatboiroyroy25” and that account was found on the Defendant’s phone at the time it was seized. Further, Minor # 4 had a FaceTime with the Defendant which was recorded. Finally, the Government argued that all of the videos were saved on the Defendant’s cell phone in an area of the phone that was password protected, which they argued indicated that he was aware of what was inside of the “Hide It Pro” application.

Minor # 3 never testified at trial. (DK 131-203-204). Despite her failure to testify, the Judge found there was sufficient evidence to proceed on the production of child pornography charge and denied the Motion. (DK 131-207;132-8).

A Charge Conference was conducted. (DK 131-208). During the Charge Conference, the Court addressed the Government’s 404(b) Motion. (DK 131-214). No objections were lodged to the Instructions, specifically to the charges in Counts I, III, IV and V (Sexual Exploitation of Children, Producing Child Pornography). (DK 131-211).

The Defendant centered on the reasonable doubt which existed as to whether Oscar Williams committed the offenses and overcame the Government’s burden of

proof. (DK 132-38). During closing arguments, after discussing the presumption of innocence, the defense acknowledged that “the subject matter of this case was awful.” (DK 132-38). While the defense conceded that something happened to the girls, the defense questioned who did it and argued that the Government failed to prove beyond a reasonable doubt that it was him. (DK 132-39). The Government failed to establish that the phone seized was in the possession and control of Oscar Williams at any time, that Oscar Williams used the names “RoyRoy” or “Smiley2505,” or that Oscar Williams portrayed himself as “Josh.” The defense maintained Oscar Williams’ innocence and the Government’s failure to meet it’s burden of proof. (DK 132-40).

The defense asserted that Oscar Williams was not shown to have had exclusive use, possession, and dominion over the phone found when the Search Warrant was executed. (DK 132-40). That phone was not sufficiently connected to Oscar Williams or evidence of criminal conduct. The Government never proved that Oscar Williams was the individual on the phone with the girls prompting them to make child pornography or that he was the individual extorting Minor # 1. (DK 132-41).

The defense argued that other people came into his house and used the WIFI, and could have been the culprits. They were Williams' "homeboys", Antonio, and Aaron. (DK 132-45).

The Jury found Oscar Williams guilty on each Count, as charged. (DK 132-75-76; DK 94). The Jury was polled. (DK 132-76-78). The Jury was subsequently discharged and Oscar Williams was adjudicated guilty of the offenses. The matter was set for a sentencing hearing thereafter.

A Pre-Sentence Investigation Report was prepared by the Department of Probation and an Addendum filed thereafter. (DK 109; 111). The defense filed a Motion for Downward Departure. (DK 113-1-4).

Sentencing was conducted on December 15, 2022. (DK 116). The Court sentenced Oscar Williams to be imprisoned for a term of 360 months as to Counts Is, IIIs, IVs and Vs and a term of 24 months as to Count IIs, to be served concurrently with each other. Oscar Williams was placed on supervised release for 20 years on each Count, to run concurrently upon his release from the Bureau of Prisons. (DK 117). Oscar Williams was advised of his right to appeal.

Judgment was entered on December 15, 2022. (DE 117). A Notice of Appeal was timely filed. (DK 118).

On appeal, Oscar Williams raised the following issues:

I. WHETHER THE COURT REVERSIBLY ERRED IN DENYING OSCAR WILLIAMS' MOTION FOR JUDGMENT OF ACQUITTAL UNDER RULE 29, FED.R.CRIM.P. AT THE CONCLUSION OF THE GOVERNMENT'S CASE AND THE CONCLUSION OF ALL OF THE EVIDENCE AS TO THE PRODUCTION OF CHILD PORNOGRAPHY CHARGES IN COUNTS I; III-IV OF THE SUPERSEDING INDICTMENT?

II. WHETHER THE COURT REVERSIBLY ERRED IN DENYING OSCAR WILLIAMS' MOTION FOR JUDGMENT OF ACQUITTAL UNDER RULE 29, FED.R.CRIM.P. AT THE CONCLUSION OF THE GOVERNMENT'S CASE AND THE CONCLUSION OF ALL OF THE EVIDENCE AS TO THE EXTORTION CHARGE IN COUNT II OF THE SUPERSEDING INDICTMENT?

III. WHETHER THE 30 YEAR SENTENCE IMPOSED WAS UNREASONABLE?

On January 2, 2025, a six (6) page, unpublished decision was issued by the 11th Circuit Court of Appeals. The appellate tribunal affirmed in all respects.

Oscar Williams remains incarcerated at FCI Jesup in Jesup, GA.

STATEMENT OF THE FACTS

The Government's case-in-chief was based upon the testimony and evidence from law enforcement officers, an expert witness, some of the minors who were alleged to have been involved in the activities at issue, and Rule 404(B) evidence which was allowed by the Court over defense objection.

Minor # 1 testified that in November, 2019, she was 14 years old. (DK 130-25). She testified that she used the cell phone application SnapChat to send videos to her friends and to prepare posts about her life. (DK 130-26). She testified that

she kept important photographs and videos of herself stored in the “My Eyes Only²” section of her SnapChat account. (DK 130-27).

Minor # 1 testified that someone using the screen name “Thatboiroyroy25” contacted her on SnapChat and informed her that he had received her personal photos and videos from her “My Eyes Only” file. Over the computer, the person utilizing that name threatened to send her “My Eyes Only” pictures and videos of her to her family, friends, the Internet, and to publish the same on pornographic websites. (DK 130-27). At that juncture, “Thatboiroyroy25” had pictures of her in her bra and underwear which had been held in the girl’s “My Eyes Only” account. (DK 130-28). According to the witness, “Thatboiroyroy25” asked her to videotape her “fingering herself” and send him the video. She told her parents what was going on and they contacted law enforcement. (DK 130-36). The initial contact was made with Minor # 1 through a “Smiley8515” account. She testified that she sent videos and pictures back to “Thatboiroyroy25”. (DK 130-43).

The witness admitted that she never spoke with the person behind the name “Thatboiroyroy25”. (DK 130-49). She never heard his/her voice. She never saw the person, but assumed it was a male. (DK 130-49). The same occurred with her

² SnapChat introduced the “My Eyes Only” feature to ensure privacy protection. In essence, the program adds a password to the snaps and stories wanted to be “extra private.” As advertised, SnapChat is an American multimedia messaging app and service developed by Snap, Inc.

contact with “Smiley8515.” (DK 130-50). She never heard a voice or had any other contact with “Smiley8515.”

FBI Agent Adam Wolfe testified. (DK 130-52). He was a member of the Violent Crimes Against Children Task Force. (DK 130-52). He assisted in the execution of a Search Warrant in Opalocka on September 11, 2020. (DK 130-54). Oscar Williams, his wife and two children were present at the home. (DK 130-55). Photographs of the residence were introduced into evidence. (DK 130-57-62). A cell phone was found and seized from underneath a mattress. (DK 130-63) [between the mattress and box spring] (Ex. 14; DK 130-64-65). The agent admitted that he and other members of the Search Warrant Team had ARs pulled out when they came to the door of the residence. (DK 130-67).

FBI Agent George Nau testified as a Government witness based upon his involvement in the execution of the Search Warrant in Oscar Williams’ residence. (DK 130-73). Agent Nau testified interviewing Oscar Williams, and admitted that only portions of the interrogation were recorded. (DK 130-75-76).

Agent Nau exited the vehicle and stood outside for approximately 10 minutes while Williams and another agent spoke. (DK 130-84). When he got back in the car, Agent Schwartzenberger recounted the conversation that she had with Williams. She told him that Williams denied that “Thatboiroyroy25” was his

account, but asked the agent if he could be given a second chance and the officers could look in the other direction about what had occurred. (DK 130-85). A separate recording with Agent Dan Alfin and Williams was published to the Jury. (DK 130-89). In total, Agent Alfin made two recordings with Williams and Agent Schwartzenger one. (DK 130-91). The agent explained that the first conversation was with Agent Schwartzenger and she interviewed Williams. The next was Williams and Agent Alfin, and the third, Williams and Agent Schwartzenger. (DK 130-93).

Oscar Williams denied that the "Thatboiroyroy25" account was his. (DK 130-105). He also denied recognizing a "Smiley2500" account. He said that Aaron and Antonio had access to his phone and perhaps one of the them used his IP address. (DK 130-107). He also stated that he changed the passwords to his phone approximately six weeks earlier because his wife went through the phone and Wi-Fi. (DK 130-108). Williams stated that he let everybody use his phone. (DK 130-110).

According to Agent Nau, the Defendant was shown a Bitmoji that looked like him. (DK 130-81). He was questioned about his girlfriend, Dervanie Charles. (DK 130-83). It was at that point that Oscar Williams allegedly asked Agent Nau to turn off the recording device so that he could talk to Agent Schwartzenger.

Brendan Roth, a Supervisory Special Agent with the FBI, testified that while working on a Crimes Against Children case, he received an investigative lead from the Miami Field Office requesting that he locate Minor # 3 in Chester, South Carolina and coordinate a forensic interview of her with the FBI. (DK 130-116).

The Minor's birth certificate was entered into evidence. (DK 130-117). The agent made a photographic identification of Minor # 3. He set up a forensic interview. The agent met with Minor # 3 and her mother after the forensic interview. (DK 130-120). Minor # 3 was shown images of herself during the interview. The agent testified that he recognized the girl in the images as Minor # 3. (DK 130-122).

Minor # 2 testified that she was 18 at the time of her testimony. (DK 130-125). She was 16 years old in 2020, in the 10th grade. (DK 130-126). She testified that in 2020, she had a SnapChat account. (DK 130-127). She testified that she oftentimes took photos and videos and stored them in her SnapChat app. She was familiar with "My Eyes Only" which she said "it's a protected place where you can put stuff you don't want anybody else seeing." (DK 130-127). She used "My Eyes Only" in SnapChat. She would store items things like funny videos of herself doing things that she wouldn't want anybody else seeing, as well as private photos of her. (DK 130-128).

The witness testified that in January, 2020, she began communicating with a person she did not know in SnapChat, “RoyRoy³”. She recalled coming home one day and a friend texted her that “hey, you know someone is sending your nudes out.” (DK 130-128). The user name of the person sharing the nude photos was “RoyRoy”. After she learned the person’s screen name, she contacted him and asked why nude photos of her were being shown on the Internet, and how they got them. (DK 130-129). She testified that the individual was trying to blackmail her, asking her for more “pictures and stuff” in exchange for deleting the images already on the internet. (DK 130-129). She sent the screen name pictures and videos of herself in a bra and panties, and then some while she was naked. (DK 130-129). This went on for a couple of months. (DK 130-131). According to the witness, “RoyRoy” told her that “I hack Snaps then people come to my phone shop to fix screens, so I got these.” (DK 130-131).

According to the witness, unless she sent him photos and videos of herself he said that he would post her private pictures on social networks and pornographic platforms worldwide. (DK 130-132). He promised her that if she sent him new photos of herself in a bra and panties he would delete all of the nude and other photos and videos he already had of her or which were on the Internet. (DK 130-

³ The Government argued that “RoyRoy” referred to the individual known as “Thatboiroyroy25”.

133). He told her that if she danced “stripping and touching yourself sexy-like model posing,” he would delete all of her videos. (DK 130-135-136). She identified several screenshots of herself, many of which the Government utilized as Exhibits. Later, the witness learned that “RoyRoy” had not deleted the videos or photographs as promised. She testified that she recognized several of the photos shown to her as she had taken them for “RoyRoy” and sent them to him on SnapChat. (DK 130-143). She testified that she created them. (DK 130-147).

The witness testified that the person referred to as “RoyRoy” had one video communication with her on SnapChat. (DK 130-148). She described him as a heavy set black male with a flattop haircut. (DK 130-149). Other than the one video communication, she had no other communication with any person she could identify as using the screen name “RoyRoy.” (DK 130-150).

On re-direct examination, Minor # 2 testified that around the time she was getting messages from “RoyRoy” she was also responding to other accounts and emails that were asking her to send naked photos. She admitted sending naked photos to those groups as well. (DK 130-151).

Minor # 4 testified as a Government witness. (DK 131-6). She admitted that in 2020, she used the SnapChat app. (DK 131-9) She had taken pictures of herself and saved them in SnapChat. *Id.* In September, 2020, shortly after her 16th

birthday, Minor # 4 testified that she “had just done a [Sweet] Sixteen photo shoot, and a lot of people were re-posting pictures and tagging me. Therefore, I was getting a lot of ads, new people on my Snap.” She received a message from a schoolmate’s old SnapChat account. She had a feeling that it wasn’t her schoolmate, but thought it was a friend of hers. It turned out the friend’s name was Makyla. (DK 131-11). The account was under the name Jasmine. The Minor was asked questions concerning her age, her name, sexuality, “...and it eventually went onto to the account asking me to send nude pictures and videos. And when I would decline, the account would send me nude images and pictures of herself, basically saying along the lines, oh, you know, I’m sending you these things of me, you can send them back.” (DK 131-12).

When Minor # 4 turned 16 years old, she took a video of herself in only her underwear and saved it her SnapChat memories file. At some point she was given “Josh’s number,” and texted him. She was given his information by Makyla. She sent her his contact information. She saved it under the option “My Memories.” Next, the video showed up on Jasmine’s account, but the witness testified that she never sent it to Jasmine. She never sent it to anyone else. (DK 131-47). Then, Jasmine asked her to add the account “RoyRoy25.” Seconds later, “RoyRoy25” texted asking her for pictures and videos of herself. She never had any

conversation with “RoyRoy” or heard “RoyRoy’s” voice. On one occasion he video called her and she testified that he showed her his penis. (DK 131-48). She never saw his face. She never heard his voice.

She believed that someone named “Josh” was going to help her by placing a virus on the computer used by the person who had been threatening her so that videos of her would be deleted or unable to be seen. (DK 131-50). She started communicating with Josh the same day that she added “RoyRoy” to her account; September 8, 2020. She opined that her account had been hacked by someone. (DK 131-51-52).

She admitted that she talked to another individual under the screen name “Abby,” and she said she was an assistant with Josh and that she would need to continue to send her videos to get rid of the virus and to get rid of the other videos.

The witness testified that she had taken photos and videos of herself on SnapChat and saved them in her SnapChat memories folder, but never sent the images to anyone. (DK 131-13). However, the images appeared to have been sent to Jasmine’s account, and it was one of the witness’ saved memories that was sent back to her. She started receiving messages threatening that if she did not add the name of the account, “RoyRoy,” the individual would post her videos everywhere. She found it extremely threatening. (DK 131-13). She added “RoyRoy” as a

recipient. Right away, she was told to send videos of her “doing this, this, this, and that.” (DK 131-14). She was threatened that if she did not, her personal videos would be sent to everyone at her school and all of her friends. The Government introduced photos of her SnapChat communications and the witness explained various screens on SnapChat to the Jury. (DK 131-37-38). For example, “RoyRoy” messaged the following:

Thatboiroyroy25: I want pictures of you. If you do it, I will delete everything, but if you say no I will post this on your school board. I will send it to everyone that go to that school. I will post it all in New York. I will post it. (DK 131-16)

She created photos and videos for “RoyRoy.” (DK 131-19). She claimed that she did so at his direction. She testified that she followed his instructions. (DK 131-21). She claimed to have been talking to him at the same time the photos and/or videos were made, and testified that they could see each other through FaceTime. (DK 131-22). However, the person she FaceTimed with used the name “Josh.” The witness testified that she spoke with “Josh” over FaceTime. Their longest conversation was “over 20 minutes.” (DK 131-39) When speaking over FaceTime, the witness could see the person she believed to be Josh’s face. She described him as having brown skin with his hair in twists or braids. He told her he

lived in Miami. She identified several nude photographs of herself which the Government introduced as Government Exhibits. (DK 131-37).

The witness provided her screen record of conversations with Josh over FaceTime to the FBI. (DK 131-40). There was no audio as, according to the witness, “[W]hen you screen record a video on FaceTime, you are not able to hear the audio.” (DK 131-41). However, she testified that she recognized Josh’s voice in the Government’s Exhibits played in Court. The witness made an in court identification, indicating that she saw the person she believed to be Josh in the courtroom, and that he was the Defendant. (DK 131-43).

FBI Agent Alex Loff testified that he had worked for the FBI since 2018. (DK 131-56). He was assigned to the Child Exploitation and Human Trafficking Task Force, working out of the FBI Miami Field Office. He explained his experience in digital forensics, specifically those that pertained to mobile devices. (DK 131-58). Agent Loff testified how an extraction was done on a cell phone. (DK 131-61). He was tendered by the Government, and accepted by the Court, as an expert in digital forensics. (DK 131-62).

Agent Loff testified that he assisted with the execution of the Search Warrant at Oscar Williams’s residence on September 11, 2020. The target of the investigation was Oscar Williams. The agent testified that Oscar Williams was

born in 1992 and was approximately 31 years of age. The agents recovered what they believed to be his cell phone. The FBI performed a digital extraction of the phone.

The phone was found in the bedroom underneath the mattress. (DK 131-184). The number attached to the phone seized on September 11, 2020, was Oscar Williams' wife, not his. (DK 131-188). However, the witness opined that the phone was Oscar Williams'. (DK 131-189). During the cross examination of the agent, the following occurred:

Defense Counsel:

Q: It really boils down to the same thing, doesn't it, that you have your opinion as to who the user was but you cannot tell this jury who had exclusive use and possession when those were being done?

A. No, I can just tell the jury everything we discussed, which is all the different exhibits showing all the activity in the phone. (DK 131-192)

The agent admitted that he could not tell the Jury for sure who was on the other end of the phone or device. (DK 131-192). The forensic expert admitted that it was possible for someone to have an account hacked. (DK 131-183).

The agent had a Subpoena issued to AT&T for the IP address of the phone. From that, he received the subscriber information and further IP information. The subscriber was Christine Williams, who lived at the same address as the Search

Warrant was executed. Via the agent, the Government introduced a 150 page Exhibit, the Subpoena return from SnapChat associated with IP addresses for user account with user name "Smiley25200" which had a display name of "Smiley25." (DK 131-70. The agent explained that the subscriber information showed that the email account used to create "Smiley25" was OscarWilliams25@ICloud.com. The same information was obtained from SnapChat for "Thatboiroyroy25." The information pertaining to the Apple ID was OscarWilliams25@ICloud.com. (DK 131-73). The agent was able to determine the cell number associated with the cell phone, 305-684-4669. The cell phone provider was T-Mobile. Agent Loff was permitted, without objection, to introduce a PowerPoint he created of the connections between screen names and the IP address. (DK 131-98-99).

The agent testified that he found an application on the target cell phone seized called "Hide It Pro." "Hide It Pro⁴" is one of the many types of privacy apps which allow people to store information and secure it behind a passcode, and includes other features designed for privacy and security. (DK 131-99). The agent was able to access what he believed to be the Defendant's "Hide it Pro" profiles. He discovered a folder under Minor # 1's name. (DK 131-102). The agent testified

⁴ "Hide It Pro" is used to securely hide photos and videos on an I-Phone.

that the folder contained various media of a young black female with various pornographic media. (DK 131-103).

Via the agent, the Government went into the SnapChat app and found photos and videos of Minor # 1. He also found "...another report that was created from the "Hide It Pro" app, but this was for a different folder named "kaylaa_0428." It was introduced into evidence without objection. (DK 131-106-107). Additional folders of "1CHISOm662," and "mini_boss0905" (DK 131-110) "blackbabygirl," "oursextape" were also introduced by the Government⁵.

The agent testified that pursuant to the Search Warrant, SnapChat provided records for "Thatboiroyroy25" account, as well as for the account "Smiley25200." (DK 131-117).

The agent testified that Minor # 4 knew that Josh had fixed a girl's similar situation where demands were made for additional photos and videos or her other images would be disclosed, and that if Minor # 4 opened up a SnapChat account and sent Josh all of her log in information, including the password, he could load up a virus that would take down all of her prior photos and videos from the internet. (DK 131-146).

⁵ Presumably, these were some of the Rule 404(b) materials the Government noticed pre-trial.

The agent testified concerning the extraction of what was assumed to be Oscar Williams's phone. (DK 131-149). He testified that inside Minor # 1's folder there were 54 files. (DK 131-154). He also saw that Minor # 2 sent "RoyRoy" a media file. (DK 131-158). The agent testified that he extracted addresses from SnapChat showing that the Opalocka house was listed as having the IP addresses showing the account to log in information. (DK 131-161). The agent testified as to the extraction surrounding Minor # 3. (DK 131-164).

A Warrant was served on Oscar Williams on September 11, 2022. The FBI conducted surveillance three days prior. (DK 132-41). The Government failed to videotape the entire encounter concerning the execution of the Warrant. Eight to ten agents executed the Warrant with guns; two with assault rifles (ARs). (DK 131-175). The Government agents were there for approximately two hours, but only approximately 40 to 50 minutes were actually recorded because the agents started and stopped the recording several times. (DK 132-42). The first recording of Oscar Williams was at 11:21 am and lasted until 1:27 pm. (*Id.*) The FBI seized the phone in the house from under a mattress.

The defense pointed out that during the time the Search Warrant was being executed, agents were going through Oscar Williams' house, checking on his family, checking on his kids, all while he and other agents had assault rifles

pointed at him. That is when the statement was alleged to have been given. (DK 132-47)⁶. According to the agents, Oscar Williams gave a statement and told law enforcement that he wanted a divorce from his wife and that he had a girlfriend. (DK 132-42).

Oscar Williams told the agents that his SnapChat account was “Smiley8515” but later denied making the statement. (DK 132-45). He told the agents the other account associated with him, “Thatboiroyroy25” had been hacked and he lost control over it 4 years earlier. (*Id.*). The defense maintained Oscar Williams lost complete control of the account once it was hacked. The agents contended that he asked the agents to “look the other way” and give him a second chance⁷. Oscar Williams admitted that he was probably drunk at the time he was interrogated. (DK 132-44).

The agents told Oscar Williams that the phone “was to send you images and videos, boobs and vagina.” (DK 132-44). Oscar Williams responded that he was “just trying not to die” when he made his previous statement (*Id.*). Oscar Williams was scared. He had assault rifles pointed at him at the time he was questioned.

⁶ No Motion to Suppress was filed below.

⁷ The Government alleged this statement was never made and was not recorded. (DK 132-44).

Oscar Williams told the agents that “his home boys,” Antonio and Aaron, had access to his phone and IP address, and either or both could have been the culprit or culprits. They used to come to Oscar Williams’ house and log onto the internet from there. Other people also came to the house and used the WIFI. (DK 132-45). Oscar Williams argued that law enforcement never investigated any of the other people in connection with this case. (DK 132-45-46). They never investigated his soon to be former wife.

Oscar Williams said that a month and a half prior to his contact with law enforcement, he learned that someone else had obtained his password and hacked his account. As a result, Oscar Williams had to change his password from the one his wife knew. (DK 132-46). During that time, at least three people had access to his phone: Antonio, Aaron, and the wife that Oscar Williams wanted to divorce. (*Id.*).

Sentencing

Sentencing was conducted before the Honorable Darrin P. Gayles, United States District Judge, on December 15, 2022. (DK 128-1-31). The Court indicated that it had reviewed the Record as a whole and, in particular, the Pre-Sentence Report, Government’s Sentencing Memorandum (DK 115), and the Defendant’s Motion for Downward Variance. (DK 113). The defense noted from the outset that

there were no objections to the PSI and that the Report was legally correct.” (DK 128-2).

According to Probation, the Defendant had a Total Offense Level of 43, a Criminal History Category of 1, resulting in “what is essentially a life imprisonment Guideline range considering all of the statutory maximums” according to the Judge. (DK 128-2-3). The range prescribed under the Guidelines called for “Life.” Chapter Five, U.S.S.G.

The Government presented the testimony of Minor # 1 (DK 128-3) and Minor # 4 at sentencing. (DK 128-9). The Prosecutor read a written statement from Minor # 4’s mother. (DK 128-11-12). The Prosecutor, after consideration of the Section 3553(a) factors, requested and recommended a sentence of 30 years imprisonment. (DK 128-13).

The defense presented family members who addressed the Court and asked for leniency. (DK 128-17). Sandra Williams, the Defendant’s mother, apologized to the families of the girls and explained Oscar Williams’ longstanding psychological and psychiatric problems. The Defendant’s aunt similarly apologized and spoke on his behalf. The Defendant’s wife, Malyneda Williams, likewise testified. (DK 128-20). Finally, the Defendant himself allocuted to the Court, saying he was sorry to the families and to the victims. He stated that there

was not an hour of the day he did not think about this case and although he is not perfect, he would do better as he is humble and acknowledged the error of his ways. As such, he asked for mercy and forgiveness.

The Court stated that this was a “horrendous crime.” (DK 128-24). The Defendant preyed on vulnerable children. On the end of the scale, the Judge stated that he understood the Defendant had his own challenges and no prior criminal history. But, the Court stated that these crimes happened over a long period of time⁸.

In fashioning a sentence that was sufficient but not greater than necessary, the Court examined all of the Section 3553(a) factors. The Judge ordered that Oscar Williams be committed to the Bureau of Prisons for a total of 360 months followed by 20 years supervised release. (DK 128-27). Several special conditions were ordered. (DK 128-28). The defense lodged no objection to the Court’s finding of fact or the manner in which the sentence was pronounced. (DK 128-29).

Oscar Williams was sentenced to a total term of 360 months (Counts Is, IIIs, IVs and Vs) and 24 months to be served concurrently (Count IIs). (DE 117).

⁸ According to the Superseding Indictment, the crimes were alleged to have occurred in November – December, 2019 (Counts I and II), January – March, 2020 (Count III), April – September, 2020 (Count IV), and in September, 2020 (Count V) (DK 48-1-4).

REASONS FOR GRANTING THE WRIT

A Writ of Certiorari should issue in this case to allow review the federal constitutional questions raised herein. Pursuant to Rule 10, S.Ct.R., compelling reasons support certiorari review at bar.

ARGUMENTS

I. THE DISTRICT COURT REVERSIBLY ERRED BY FAILING TO ENTER A JUDGMENT OF ACQUITTAL PURSUANT TO RULE 29, FED.R.CRIM.P. BASED UPON THE GOVERNMENT'S FAILURE TO ESTABLISH THE APPELLANT PRODUCED CHILD PORNOGRAPHY CONTRARY TO TITLE 18 U.S.C. SECTION 2251(a)(e)

A central issue in this case surrounds the Government's attempt to establish that the Appellant, Oscar Williams, was the individual who prompted the Minors to take pictures and videos of themselves which resulted in the production of child pornography. Based upon the insufficiency of the evidence and failure to establish that Oscar Williams was the perpetrator of the crimes, the Appellant urges this Court to reverse as to Counts I and III-IV.

The Appellant contends that the Government failed to establish that Williams hacked into the Minors' SnapChat accounts, failed to establish that he was the individual texting the girls to send photos and videos depicting unlawful conduct, failed to establish that Oscar Williams was "Josh" on FaceTime, and failed to establish that the Appellant was the individual who engaged in extortion.

The defense argued that the agents told Oscar Williams that if he wasn't doing it, someone else definitely was. (DK 132-46). The Defendant contended he was not guilty because the Government was unable to establish, beyond a reasonable doubt, that Oscar Williams had exclusive use, dominion, and possession of the phone with the child pornography on it or used the phone to promote child pornography or extort anyone.

The defense maintained that Minor # 1 was not able to identify the person on the other end of the phone. (DK 132-47). Minor # 2 saw the person's face who was using the Thatboiroyroy25 phone. However, her phone subsequently was hacked. She testified that she had taken nude photos of herself and put them into her personal account. When questioned, she testified that the photos did not leave her phone or her hidden account, but admitted that the pictures later led back to show that they had been sent out from her account. (DK 132-48). The defense argued that hacking "happens all the time" and that when Minor # 2 was hacked, her photos must have been sent without her intentionally sending them.

Minor # 2 testified that she conversed on a FaceTime visit with "Thatboiroyroy25," who had a chubby face and a flat top. The Government asked whether she could identify "Thatboiroyroy25." The defense stressed the fact that she was never asked to identify the individual she saw or associated with

“Thatboiroyroy25.” The defense argued that because she could not identify Oscar Williams as “Thatboiroyroy25,” the Government was unable to present a prima facia case. (DK 132-49).

Minor # 3 did not testify at trial. She was not present when her phone was used to communicate with “Thatboiroyroy25.” The defense argued that “[T]here is zero, zero evidence of any communication from her to “Thatboiroyroy25.” (DK 132-49-50). The defense argued that the Government could not prove that charge. No witness testified that she logged on, or that he was the one who sent the messages. (DK 132-50). The witness never testified who was on the other end of the phone texting her. She was unable to establish that Oscar Williams was the individual on the other end. (DK 132-50).

Finally, Minor # 4 did not identify “Thatboiroyroy25.” She identified “Josh” as the culprit, and later identified Josh as Oscar Williams, not “Thatboiroyroy25.”

None of the Minors’ phones were seized by the Government, and the defense argued that the Government did not even have the basic data from the girls’ phones to try to connect them to Josh or Oscar Williams or anybody else. Instead, the Government’s case was based primarily upon the phone the Government believed was Oscar Williams’ phone. (DK 132-51).

The defense pointed out that the T-Mobile bill for the phone indicated that the phone was in the name of Malyneda Noel. She was the Defendant's wife, who he wanted to divorce. She had access to his phone, and all of his passwords. The defense contended she could have easily been the culprit, trying to "set up" her estranged husband.

The defense argued that the agents told Oscar Williams that if he wasn't creating child pornography, someone else was. (DK 132-46). The Defendant contended that he was not guilty because the Government was unable to establish a nexus between him and any criminality or prove, beyond a reasonable doubt, that he had exclusive use, dominion, and possession of the phone during the requisite time frames.

The issue concerning the identification of individuals who committed a crime is far more difficult in a case such as that at bar as opposed to an identification that "I saw him/her do it." Here, the girls involved in these acts did not see Oscar Williams commit any crimes, thus the Government was missing an essential link in the case. Further, the circumstantial evidence fell far short of rebutting reasonable hypothesis of innocence.

Counts I, III, IV and V charged violations of Title 18 Section 2252A(a)(1), which makes it a felony for any person knowingly to transport in interstate

commerce "by any means, including by computer, any child pornography." *United States v. Richardson*, 304 F.3d 1061, 1063 (11th Cir. 2002). A person commits the crime of production of child pornography when he "employs, uses, persuades, induces, entices, or coerces any minor to engage in . . . any sexually explicit conduct for the purpose of producing any visual depiction of such conduct." 18 U.S.C. Section 2251(a). Importantly, Title 18, Section 2251 criminalizes both the actual and attempted production of child pornography. The crime of "attempted production of child pornography" under Title 18 Section 2251(a) and (e) "does not require an actual minor victim," so long as the defendant "believed [the victim] to be" underage. *United States v. Lee*, 603 F.3d 904, 912-13 (11th Cir. 2010) (upholding a conviction under Title 2251 where the defendant attempted to use and persuade a fictitious minor, invented as part of a sting operation, to engage in sexually explicit conduct for the purpose of producing child pornography). *Lynch v. United States*, 783 Fed. Appx. 904, 908 (11th Cir. 2019).

In relevant part, the production statute makes it unlawful for any person to: employ, use, persuade, induce, entice, or coerce any minor to engage in . . . any sexually explicit conduct for the purpose of producing any visual depiction of such conduct . . . if such person knows or has reason to know that such visual depiction

will be transported or transmitted using any means or facility of interstate or foreign commerce. *United States v. Moran*, 57 F.4th 977, 980 (11th Cir. 2023).

In *Moran*, the Court stated:

As relevant here, Section 2251(a) contains three interrelated clauses. The first makes clear that a completed violation requires proof of conduct: A defendant must "employ, use, persuade, induce, entice, or coerce any minor to engage in . . . any sexually explicit conduct." The second specifies that the defendant must have a "purpose of producing [a] visual depiction of such conduct." And the third requires the defendant to "know or ha[ve] reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce." Ordinarily, when one clause refers to an action, a second requires that action to be for the purpose of producing a thing, and the third refers to what someone "knows" about "such" thing, the final clause is understood to be implicitly conditioned on the successful production of the thing. Consider the following illustrative example:

John takes notes on his hikes for the purpose of producing a book about hiking, and he knows that such a book will sell millions of copies.

The average reader wouldn't take the last clause to mean that John knows that he will write a book— only that John knows what will happen if he does write one.

More generally, proscribing an action (e.g., inducing certain conduct) rather than the outcome of that action (here, producing depictions) contemplates that the outcome might not result. But when we ask what one "knows" about the product of "such" outcome, the question is ordinarily understood as taking for granted the attempt's success—and the outcome's realization. So, for instance:

Jane is sending applications to out-of-state colleges. She knows that she will move away to attend such schools.

The latter sentence doesn't communicate anything about Jane's knowledge of whether her application for admission will be accepted—only her knowledge about what will happen if it is.

United States v. Moran, 57 F.4th 977, 983 (11th Cir. 2023)

In essence, the factual scenario surrounding Counts I, III, IV and V are similar. In each case, the girls received information that her private, secure photos and videos had been sent from her SnapChat address to others via the internet. The girls were then contacted by an individual, later believed to be either “RoyRoy” or “Smiley,” and told that the original photos and videos published by the girls (or hacked) would be deleted in exchange for more photos and videos. Later, the girls would be contacted by “Josh” who offered to help clean and delete the girls’ photos which had been posted on the internet.

Based upon the Government’s failure to properly establish that Williams was the culprit of these crimes, and the Court’s failure to grant Williams’ Rule 29 Motions, reversal and discharge or reversal and remand is warranted.

II. THE DISTRICT COURT REVERSIBLY ERRED BY FAILING TO ENTER A JUDGMENT OF ACQUITTAL PURSUANT TO RULE 29, FED.R.CRIM.P. BASED UPON THE GOVERNMENT’S FAILURE TO ESTABLISH THE APPELLANT COMMITTED EXTORTION OF MINOR # 1

In an argument similar to Argument I, *supra*, Oscar Williams maintains that the Government’s evidence was insufficient to establish a violation of Title 18 U.S.C. Section 875(d)⁹. While Minor # 1 might have been a victim of an extortion, there was insufficient evidence to prove that Williams was the individual who committed the offense against her.

Even viewed the in the light most favorable to the Government, the evidence at bar was insufficient to establish a *prima facie* case of guilt as to extortion. In short, the Government failed to prove that it was Oscar Williams who sent communications to Minor # 1 using a web-based messaging application threatening to expose nude and explicit images of her on the internet if she refused to send additional nude and explicit images of herself to Oscar Williams as alleged in Count II of the Superseding Indictment.

The Government failed to prove that Minor # 1 was extorted by “Josh,” “RoyRoy” or “Smiley,” or that any of those names belonged to Oscar Williams.

⁹ The extortion charge under Title 18 U.S.C. Section 875(d) has withstood challenges based upon vagueness and overbreadth. *United States v. Cross*, 677 F.3d 278 (6th Cir. 2012), habeas proceeding 2013 U.S. Dist. LEXIS 135, 845 (W.D. Mich. 2013).

Without proving Oscar Williams' dominion and control over the phone, the Government could not prove who established the Section 785(d) offense. Title 18 U.S.C. Section 875(d) proscribes threats to property or reputation with the intent to extort. *Elonis v. United States*, 575 U.S. 732 (2015).

Here, based upon the evidence presented, the Jury could not properly authenticate that the author of the content with the girls was Oscar Williams. The Government failed to establish the connection between how these girls' private photos and videos were originally sent from the girls' devices in the first place. There was, at best, only some weak circumstantial connection between Oscar Williams and "Smiley" and "RoyRoy." The alleged "connection" was insufficient to establish a nexus to the true identity of the individual on the other end of the phone. Further, the evidence was insufficient to establish that Oscar Williams was "Josh," who offered to clean and delete all of the girls' photos and images.

This case is a far cry from others where the evidence was deemed sufficient to sustain an extortion conviction. For example, in *United States v. Holder*, 302 F.Supp. 296 (D. Mont. 1969), affirmed, 427 F.2d 715 (9th Cir. 1970), the Court found that on the evidence presented, that the Jury could properly find the defendant was the author of a telephone call in violation of Title 18, U.S.C. Section 875(c). There, the evidence against the defendant consisted of (1) testimony of

telephone operator that she had placed call for person who identified himself as “Bill Holder of the Wyoming coin shop,” that during past years she had placed perhaps 200 calls for man who identified himself in this exact manner, and that voice was same on previous 200 occasions, (2) according to long-distance toll ticket, that operator prepared at time of call, call originated from certain telephone number in Billings and was made to certain telephone number in Washington, D. C., and (3) testimony of employee at FBI Washington office that he was called to telephone at FBI headquarters, that telephone number there was same as called from Billings, and that caller identified himself as Bill Holder of Billings, Montana, and went on to make alleged threat. *United States v. Holder*, 302 F. Supp. 296 (D. Mont. 1969), *aff’d*, 427 F.2d 715 (9th Cir. 1970).

Here, Oscar Williams does not quarrel with the statutory language concerning damage to a victim’s reputation. In *United States v. Petrovic*, 701 F.3d 849 (8th Cir. 2012), the Court found that “such a relationship” could be a “thing of value.” Thus, the defendant intended to extort under Title 18 U.S.C. Section 875(d) when the defendant threatened to harm the reputation of his estranged wife/victim if she ended their relationship.

Based upon the factual scenario herein, the District Court reversibly erred by denying Oscar Williams' Rule 29 Motions, which were properly and timely made as to Count II.

Certiorari review is warranted.

CONCLUSION

Based upon the foregoing grounds and authority, reversal and discharge is warranted as to each Count, a new trial, or re-sentencing is required.

Respectfully submitted,

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Ft. Lauderdale, Florida

May 2, 2025

NO:

**IN THE
SUPREME COURT OF THE UNITED STATES**

OSCAR WILLIAMS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit**

**APPENDIX
TO PETITION FOR WRIT OF CERTIORARI**

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APPENDIX

Page

Superseding Indictment

A-1

Decision of the Eleventh Circuit Court of Appeals in
United States v. Oscar Williams, Case No: 22-14270
(January 2, 2025)

A-2

Judgment imposing sentence

A-3

Mar 2, 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - Miami

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 20-20248-CR-GAYLES/TORRES(s)

18 U.S.C. §§ 2251(a) and (e)

18 U.S.C. § 875(d)

18 U.S.C. § 2253

UNITED STATES OF AMERICA

v.

OSCAR WILLIAMS, JR.,

Defendant.

SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT 1

**18 U.S.C. §§ 2251(a) and (e)
(Production of Child Pornography)**

From in or around November 2019, and continuing through in or around December 2019,
in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

OSCAR WILLIAMS, JR.,

did employ use, persuade, induce, entice, and coerce a minor, that is, the MINOR VICTIM 1, to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction having been produced using materials, that is, a cellular device, that had been mailed, shipped, and transported in interstate and foreign commerce, by any means, including by computer, and such visual depiction having actually been transported and transmitted using any means and facility of interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2251(a) and (e).

A-1

COUNT 2
18 U.S.C. § 875(d)
(Extortion)

From in or around November 2019, and continuing through in or around December 2019, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

OSCAR WILLIAMS, JR.,

did, with the intent to extort from any person a thing of value, knowingly transmit in interstate and foreign commerce any communication containing any threat to injure the reputation of the addressee, that is, the Defendant sent communications to the MINOR VICTIM 1, using a web-based messaging application, from Miami-Dade County, in the Southern District of Florida, to the State of New York, threatening to post nude and explicit images of the MINOR VICTIM 1 on the Internet if the MINOR VICTIM 1 refused to send additional nude and explicit images of herself to the Defendant, in violation of Title 18, United States Code, Section 875(d).

COUNT 3
18 U.S.C. §§ 2251(a) and (e)
(Production of Child Pornography)

From in or around January 2020, and continuing through in or around March 2020, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

OSCAR WILLIAMS, JR.,

did employ use, persuade, induce, entice, and coerce a minor, that is, the MINOR VICTIM 2, to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction having been produced using materials, that is, a cellular device, that had been mailed, shipped, and transported in interstate and foreign commerce, by any means, including by computer, and such visual depiction having actually been transported

and transmitted using any means and facility of interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT 4
18 U.S.C. §§ 2251(a) and (e)
(Production of Child Pornography)

From in or around April 2020, and continuing through in or around September 2020, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

OSCAR WILLIAMS, JR.,

did employ use, persuade, induce, entice, and coerce a minor, that is, the MINOR VICTIM 3, to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction having been produced using materials, that is, a cellular device, that had been mailed, shipped, and transported in interstate and foreign commerce, by any means, including by computer, and such visual depiction having actually been transported and transmitted using any means and facility of interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT 5
18 U.S.C. §§ 2251(a) and (e)
(Production of Child Pornography)

From in or around September 2020, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

OSCAR WILLIAMS, JR.,

did employ use, persuade, induce, entice, and coerce a minor, that is, the MINOR VICTIM 4, to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction having been produced using materials, that is, a cellular device, that had been mailed, shipped, and transported in interstate and foreign commerce, by

any means, including by computer, and such visual depiction having actually been transported and transmitted using any means and facility of interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2251(a) and (e).

CRIMINAL FORFEITURE ALLEGATIONS

1. The allegations of this Superseding Indictment are hereby 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, **OSCAR WILLIAMS, JR.**, has an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 2251, as alleged in this Superseding Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253(a):

a. Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;

b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

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

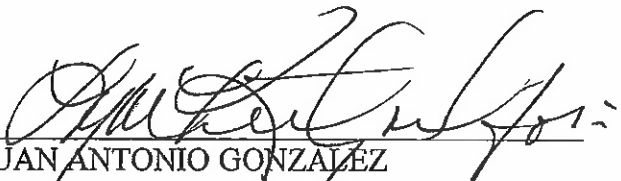
3. Upon conviction of a violation of Title 18, United States Code, Section 875(d), as alleged in this Superseding Indictment, the defendant shall forfeit to the United States any


property, real or personal, which constitutes or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

All pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 2253(a), Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461(c).

A TRUE BILL


FOREPERSON


JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY


LACEE ELIZABETH MONK
ASSISTANT UNITED STATES ATTORNEY

REV 3/19/21

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: OSCAR WILLIAMS, JR.

Case No: 20-20248-CR-GAYLES(s)

Counts #: 1, 3-5

Production of Child Pornography

Title 18, United States Code, Sections 2251(a) and (e)

*Min./Max. Penalties: Mandatory Minimum of Fifteen (15) Years' Imprisonment; Maximum of Thirty (30) Years' Imprisonment.

Count #: 2

Extortion

Title 18, United States Code, Sections 875(d)

*Min./Max. Penalties: No Mandatory Minimum; Maximum of Two (2) 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.**

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-14270

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

OSCAR WILLIAMS, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:20-cr-20248-DPG-1

A-2

Before WILSON, BRANCH, and ANDERSON, Circuit Judges.

PER CURIAM:

Defendant-Appellant Oscar Williams, Jr., appeals his conviction and sentence after a jury found him guilty of four counts of production of child pornography and one count of extortion. First, he argues that the district court erred in denying his motions for judgment of acquittal under Federal Rule of Criminal Procedure 29 because the government provided insufficient evidence to show that he was the individual communicating with and extorting the minors under certain aliases. Next, he argues that the district court abused its discretion by placing greater weight on the seriousness of his offenses and imposing a 360 months' imprisonment sentence despite his "specific facts and circumstances" and the 18 U.S.C. § 3553(a) factors. After careful review, we affirm.

I.

We review a challenge to the sufficiency of the evidence and the denial of a Rule 29 motion for a judgment of acquittal de novo. *United States v. Beach*, 80 F.4th 1245, 1258 (11th Cir. 2023). We will uphold the district court's denial of a Rule 29 motion if a reasonable trier of fact could conclude that the evidence establishes the defendant's guilt beyond a reasonable doubt. *United States v. Holmes*, 814 F.3d 1246, 1250 (11th Cir. 2016). In other words, "we will reverse a conviction based on insufficient evidence only if no reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt." *United States v. Williams*, 865 F.3d 1328, 1337

(11th Cir. 2017) (quotation marks omitted). We must sustain a verdict where “there is a reasonable basis in the record for it.” *United States v. Farley*, 607 F.3d 1294, 1333 (11th Cir. 2010) (quotation marks omitted).

We view all facts and inferences in the light most favorable to the government. *United States v. Clay*, 832 F.3d 1259, 1293 (11th Cir. 2016). The evidence need not “exclude every reasonable hypothesis of innocence” for a reasonable jury to find guilt beyond a reasonable doubt, and the jury is “free to choose among alternative, reasonable interpretations of the evidence.” *Beach*, 80 F.4th at 1255–56. The test for sufficiency of evidence is the same regardless of whether the evidence is direct or circumstantial, with no distinction in the weight given to each. *United States v. Guevara*, 894 F.3d 1301, 1307 (11th Cir. 2018). But where “the government relies on circumstantial evidence, reasonable inferences, not mere speculation, must support the conviction.” *United States v. Mendez*, 528 F.3d 811, 814 (11th Cir. 2008).

When prosecuting under 18 U.S.C. § 2251(a), the government must prove that the defendant: (1) “employ[ed], use[d], persuade[d], induce[d], entice[d], or coerce[d] any minor”; (2) “to engage in . . . any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct”; and (3) “kn[ew] or ha[d] reason to know that such visual depiction [would] be transported or transmitted using any means or facility of interstate . . . commerce.” See *United States v. Moran*, 57 F.4th

977, 980–81 (11th Cir. 2023). “Subsection (e) of the same statute provides for the punishment of any individual who attempts to violate § 2251(a).” *Moran*, 57 F.4th at 980 (quotation marks omitted and alterations adopted); 18 U.S.C. 2251(e).

In prosecuting under 18 U.S.C. § 875(d), the government must prove that the defendant: (1) transmitted a communication “containing any threat to injure the property or reputation of the addressee” in interstate commerce; (2) “with intent to extort from any person . . . any money or other thing of value.” 18 U.S.C. § 875(d).

Williams argues the government failed to provide sufficient evidence to establish he was the one that communicated with the minors. Specifically, Williams argues there was evidence that these accounts were used by his wife, his friends, or hackers.

Here, the district court did not err in denying Williams’s Rule 29 motions as the government provided sufficient evidence—through phone records, a forensic extraction report, victim and witness testimony, an expert opinion, Williams’s admission, Snapchat records, and IP address records—for a reasonable jury to find that Williams communicated with and extorted the minors under the aliases of Thatboiroyroy25, smiley25200, and Josh. While Williams argues other people had access to the phone, the evidence need not “exclude every reasonable hypothesis of innocence.” *Beach*, 80 F.4th at 1255. Instead, the jury was “free to choose among alternative, reasonable interpretations of the evidence,” *id.* at 1256,

22-14270

Opinion of the Court

5

which viewed in the light most favorable to the government, included that Williams committed these offenses.

II.

We review the substantive reasonableness of a district court's sentence under "a deferential abuse-of-discretion standard," even when the sentence is below the guidelines range. *See Gall v. United States*, 552 U.S. 38, 41 (2007). We determine "whether the sentence is substantively reasonable given the totality of the circumstances and the sentencing factors set out in 18 U.S.C. § 3553(a)." *United States v. Boone*, 97 F.4th 1331, 1338 (11th Cir. 2024). "A district court's sentence need not be the most appropriate one, it need only be a reasonable one." *United States v. Irey*, 612 F.3d 1160, 1191 (11th Cir. 2010) (en banc). "The fact that the appellate court might reasonably have concluded that a different sentence was appropriate is insufficient to justify reversal of the district court." *Gall*, 552 U.S. at 51. Indeed, "it is only the rare sentence that will be substantively unreasonable." *United States v. Dixon*, 901 F.3d 1322, 1351 (11th Cir. 2018) (quotation marks omitted).

The party challenging the sentence bears the burden of showing that it is substantively unreasonable. *Id.* A defendant must show that "the sentence imposed by the district court lies outside the range of reasonable sentences dictated by the facts of the case and the relevant sentencing factors," not merely that a "lesser sentence would, in his opinion, be more appropriate." *Boone*, 97 F.4th at 1342–43 (internal quotation marks omitted).

We may vacate a sentence only if we are “left with the definite and firm conviction that the district court committed a clear error of judgment in weighing the § 3553(a) factors to arrive at an unreasonable sentence based on the facts of the case.” *Id.* at 1339. A sentencing error may occur if the district court: (1) fails to consider relevant factors, (2) gives significant weight to an “improper or irrelevant” factor, or (3) weighs the factors unreasonably. *Id.* at 1342.

A district court must consider the factors set out in § 3553(a) and impose a sentence sufficient, but not greater than necessary, to: (1) reflect the seriousness of the offense; (2) afford adequate deterrence; (3) protect the public from further crimes of the defendant; and (4) provide the defendant with correctional treatment in the most effective manner. 18 U.S.C. § 3553(a)(2).

The decision about how much weight to assign a particular sentencing factor is committed to the sound discretion of the district court. *Boone*, 97 F.4th at 1342.

Here, the district court did not abuse its discretion by declining to deviate downward to Williams’s requested sentence. The court, in its discretion, properly weighed the seriousness of Williams’s offenses—including the victims’ statements of experiencing lifelong trauma at his sentencing hearing—over his mitigating factors. Accordingly, we affirm.

AFFIRMED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

UNITED STATES OF AMERICA

v.

OSCAR WILLIAMS, JR.

§ JUDGMENT IN A CRIMINAL CASE

§

§

§ Case Number: 1:20-CR-20248-DPG

§ USM Number: 21031-104

§

§ Counsel for Defendant: Jorge Luis Del Villar

§ Counsel for United States: Lacey Monk

§ Court Reporter: Patricia Diaz

THE DEFENDANT:

<input type="checkbox"/>	pleaded guilty to count(s)	
<input type="checkbox"/>	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input checked="" type="checkbox"/>	was found guilty on counts 1, 2, 3, 4, and 5 after a plea of not guilty.	

The defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense**Offense Ended****Count**

18 U.S.C. § 2251(a) / Production of child pornography

12/2019

1s

18 U.S.C. § 875(d) / Extortion

12/2019

2s

18 U.S.C. § 2251(a) / Production of child pornography

03/2020

3s

18 U.S.C. § 2251(a) / Production of child pornography

09/2020

4s

18 U.S.C. § 2251(a) / Production of child pornography

09/2020

5s

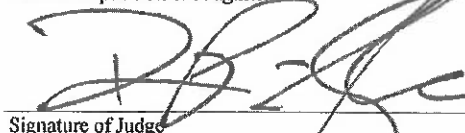
The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

December 15, 2022

Date of Imposition of Judgment



Signature of Judge

DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE

Name and Title of Judge

December 15, 2022

Date

A-3

DEFENDANT: OSCAR WILLIAMS, JR.
CASE NUMBER: 1:20-CR-20248-DPG

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **360 months as to count 1s, 3s, 4s and 5s. And a term of 24 months as to count 2s to be served concurrently with each other.**

☒ The court makes the following recommendations to the Bureau of Prisons:

The Defendant be designated to a facility in or as near to South Florida as possible.

☒ **The defendant is remanded to the custody of the United States Marshal.**

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ☐ a.m. ☐ p.m. on

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By
DEPUTY UNITED STATES MARSHAL

DEFENDANT: OSCAR WILLIAMS, JR.
CASE NUMBER: 1:20-CR-20248-DPG

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on Supervised Release for a term of **Twenty (20) years terms to run concurrent.**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

DEFENDANT: OSCAR WILLIAMS, JR.
CASE NUMBER: 1:20-CR-20248-DPG

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at www.flsp.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: OSCAR WILLIAMS, JR.
CASE NUMBER: 1:20-CR-20248-DPG

SPECIAL CONDITIONS OF SUPERVISION

Adam Walsh Act Search Condition: The defendant shall submit to the U.S. Probation Officer conducting periodic unannounced searches of the defendant's person, property, house, residence, vehicles, papers, computer(s), other electronic communication or data storage devices or media, include retrieval and copying of all data from the computer(s) and any internal or external peripherals and effects at any time, with or without warrant by any law enforcement or probation officer with reasonable suspicion concerning unlawful conduct or a violation of a condition of probation or supervised release. The search may include the retrieval and copying of all data from the computer(s) and any internal or external peripherals to ensure compliance with other supervision conditions and/or removal of such equipment for the purpose of conducting a more thorough inspection; and to have installed on the defendant's computer(s), at the defendant's expense, any hardware or software systems to monitor the defendant's computer use.

Computer Modem Restriction: The defendant shall not possess or use a computer that contains an internal, external or wireless modem without the prior approval of the Court.

Computer Possession Restriction: The defendant shall not possess or use any computer; except that the defendant may, with the prior approval of the Court, use a computer in connection with authorized employment.

Data Encryption Restriction: The defendant shall not possess or use any data encryption technique or program.

Employer Computer Restriction Disclosure: The defendant shall permit third party disclosure to any employer or potential employer, concerning any computer-related restrictions that are imposed upon the defendant.

Employment Requirement: The defendant shall maintain full-time, legitimate employment and not be unemployed for a term of more than 30 days unless excused for schooling, training or other acceptable reasons. Further, the defendant shall provide documentation including, but not limited to pay stubs, contractual agreements, W-2 Wage and Earnings Statements, and other documentation requested by the U.S. Probation Officer.

No Contact with Minors: The defendant shall have no personal, mail, telephone, or computer contact with children/minors under the age of 18 or with the victim.

No Contact with Minors in Employment: The defendant shall not be employed in a job requiring contact with children under the age of 18 or with the victim.

No Involvement in Youth Organizations: The defendant shall not be involved in any children's or youth organization.

No New Debt Restriction: The defendant shall not apply for, solicit or incur any further debt, included but not limited to loans, lines of credit or credit card charges, either as a principal or cosigner, as an individual or through any corporate entity, without first obtaining permission from the United States Probation Officer.

DEFENDANT: OSCAR WILLIAMS, JR.
CASE NUMBER: 1:20-CR-20248-DPG

Restricted from Possession of Sexual Materials: The defendant shall not buy, sell, exchange, possess, trade, or produce visual depictions of minors or adults engaged in sexually explicit conduct. The defendant shall not correspond or communicate in person, by mail, telephone, or computer, with individuals or companies offering to buy, sell, trade, exchange, or produce visual depictions of minors or adults engaged in sexually explicit conduct.

Self-Employment Restriction: The defendant shall obtain prior written approval from the Court before entering into any self-employment.

Sex Offender Registration: The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense.

Sex Offender Treatment: The defendant shall participate in a sex offender treatment program to include psychological testing and polygraph examination. Participation may include inpatient/outpatient treatment, if deemed necessary by the treatment provider. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third-party payment.

Unpaid Restitution, Fines, or Special Assessments: If the defendant has any unpaid amount of restitution, fines, or special assessments, the defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay.

DEFENDANT: OSCAR WILLIAMS, JR.
CASE NUMBER: 1:20-CR-20248-DPG

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments page.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$500.00	To be Determined	\$.00		

- ☒ The determination of restitution is deferred until March 15, 2023, at 10:30 AM. An *Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the schedule of payments page may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- | | | |
|---|-------------------------------|--|
| <input type="checkbox"/> the interest requirement is waived for the | <input type="checkbox"/> fine | <input checked="" type="checkbox"/> restitution |
| <input type="checkbox"/> the interest requirement for the | <input type="checkbox"/> fine | <input checked="" type="checkbox"/> restitution is modified as follows: |

Restitution with Imprisonment - It is further ordered that the defendant shall pay restitution in the **amount (to be Determined)**. During the period of incarceration, payment shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed by this Judgment in a Criminal Case; (2) if the defendant does not work in a UNICOR job, then the defendant must pay a minimum of \$25.00 per quarter toward the financial obligations imposed in this order. Upon release of incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice. The U.S. Bureau of Prisons, U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay. These payments do not preclude the government from using other assets or income of the defendant to satisfy the restitution obligations.

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, 18 U.S.C. §2259.

** Justice for Victims of Trafficking Act of 2015, 18 U.S.C. §3014.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: OSCAR WILLIAMS, JR.
CASE NUMBER: 1:20-CR-20248-DPG

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A ☒ Lump sum payments of **\$500.00** due immediately, balance due

It is ordered that the Defendant shall pay to the United States a special assessment of \$500.00 for Counts 1s, 2s, 3s, 4s and 5s, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court. Payment is to be addressed to:

**U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 8N09
MIAMI, FLORIDA 33128-7716**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

See above for Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

FORFEITURE of the defendant's right, title and interest in certain property is hereby ordered consistent with the plea agreement. The United States shall submit a proposed Order of Forfeiture within three days of this proceeding.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTa assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.