

APPENDIX B

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

UNITED STATES OF AMERICA)	CR No.: 3:17-351-JFA
)	
v.)	ORDER
)	
MICHAEL KENNY CARTER)	
_____)	

This matter is before the court on Defendant Michael Carter's Motion to Void Judgment (ECF No. 472). Defendant pled guilty in 2018 to knowingly attempting to persuade, induce, and entice individuals who had not attained the age of 18 years to engage in a sexual activity, in violation of 18 U.S.C. § 2422(b). (ECF No. 34). He was sentenced to a total term of 240 months imprisonment, followed by a life term of supervised release, with standard and special conditions. (ECF No. 45). The current motion is Carter's most recent filing in a long line of attempts to have his sentence overturned, dismissed, set aside, or reduced. (See ECF Nos. 63, 128, 133, 141, 149, 166, 170, 203, 214, 227, 231, 227, 257, 258, 262, 282, 285, 295, 323, 327, 337, 340, 359, 363, 385, 391, 395, 400, 409, 415, 427, 433, 434, 442, 443, 450, 458, 466, & 469).

At bottom, the current motion repeats tired arguments previously addressed by the court on numerous occasions. Specifically, Defendant argues that the Government did not provide facts to support the interstate commerce element of his conviction. For the reasons stated in this order and in the court's previous orders referenced herein, Defendant's pending motions are denied.

In Defendant's Motion to Void Judgment (ECF No. 472), he opines the sentencing court¹ was without jurisdiction to accept his guilty plea because the Government did not present facts to prove he used a facility of interstate commerce as required by the statute. Accordingly, Defendant insists the judgment against him and all proceedings following the acceptance of his plea are void. This contention is unsupported by the record and the law. In ruling on Defendant's Motion to Vacate, Set Aside, or Correct his Sentence under 28 U.S.C. § 2255 (ECF No. 63), the court reviewed an affidavit from Defendant's attorney addressing this issue directly. (ECF No. 122 at 11). Specifically, defense counsel explained:

Carter indicated that he wanted to withdraw his plea because he felt he was innocent on a federal level because his crime did not affect interstate commerce. Affiant explained that the minimal impact his conduct had on interstate commerce was not a viable defense. Carter was given a copy of *United States v. Kaye*, 451 F. Supp. 2d[]775 (2006), which holds that use of a telephone or internet is the use of a facility of interstate commerce.

(ECF No. 93-1 at 4.)

The factual support for this element was also addressed during the plea proceedings.

The Information filed by the Government charged Defendant as follows:

That on or about November 12, 2016, in the District of South Carolina, the defendant, MICH[A[E]L CA[R]TER, a/k/a "Blaze," and others who are known, as principals, aiders and abettors, and co-participants in jointly undertaken criminal activity, using a facility and means of interstate communication, that is, a computer connected to the internet and a cellphone, knowingly attempted to persuade, induce, and entice individuals who had not attained the age of 18 years to engage in a sexual activity for which any person can be charged with a criminal offense; In violation of Title 18, United States Code, Section 2422(b).

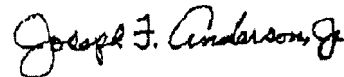
¹ This matter was originally assigned to the Honorable J. Michelle Childs, who took Defendant's guilty plea and sentenced him. The undersigned was reassigned this case on August 12, 2022, when Judge Childs was elevated to the D.C. Circuit Court of Appeals.

(ECF No. 27.) And at sentencing the court confirmed that Defendant used Facebook and cellphones to bring the underage girls to South Carolina from Georgia. (ECF No. 109 at 27–28). This constitutes knowing use of a facility of interstate commerce. *See Jeffries v. United States*, No. 4:15-cr-83, 2018 WL 4903267, at *4 (E.D. Va. Oct. 9, 2018) (“Every court to address the issue agrees with the unremarkable proposition that the Internet is a means of interstate commerce.”) (citation modified) (collecting cases); *United States v. Kaye*, 451 F. Supp. 2d 775, 782 (E.D. Va. 2006), *aff’d*, 243 F. App’x 763 (4th Cir. 2007) (“A transmission of communication by means of the telephone or Internet constitutes the use of a facility of interstate commerce.”). Thus, the court’s jurisdiction remains unimpeded, and Defendant’s Motion to Void Judgment is denied.

For the foregoing reasons, the court denies Defendant’s Motion to Void Judgment (ECF No. 472).

IT IS SO ORDERED.

October 21, 2025
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge

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Clerk's Office.**