No.

In The
Supreme Court of the United States

EDDIE SCOTT SEATON
Petitioner,

v.

UNITED STATES OF AMERICA
Respondent.

On Petition For A Writ Of Certiorari To The
United States Court Of Appeals
For The Eighth Circuit

APPENDIX TO
PETITION FOR A WRIT OF CERTIORARI

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March 5, 2026

Appendix

United States Court of Appeals
For the Eighth Circuit

No. 24-3157

United States of America

Plaintiff - Appellee

v.

Eddie Seaton

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Central

Submitted: September 17, 2025
Filed: October 24, 2025
[Unpublished]

Before BENTON, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

While searching Eddie Seaton's computer, officers found three anime images depicting sexually explicit acts between minor boys and an adult female. A forensic examination also revealed a large cache of child pornography images in his computer's "carved space," the unallocated space within the computer's hard drive, which contains deleted files that have not been overwritten. Following a four-day

trial, a jury convicted Seaton of receipt of obscene visual representations of the sexual abuse of children, 18 U.S.C. § 1466A(a)(1) (Count One), and possession of child pornography, 18 U.S.C. § 2252(a)(4)(B) (Count Two). The district court[1] denied Seaton's motion for judgment of acquittal.

Seaton argues that 18 U.S.C. § 1466A(a)(1) is unconstitutional as applied to him because the anime images do not depict real children.[2] But the statute proscribes "obscene" images, § 1466A(a)(1)(B), which the First Amendment does not protect regardless of whether the images depict real or fictional children. *See United States v. Buie*, 946 F.3d 443, 445–46 (8th Cir. 2019) (rejecting facial challenge to § 1466A(b)(1) because statute limited proscription to "obscene" visual depictions of minors). Seaton's reliance on *Ashcroft v. Free Speech Coalition* is misplaced. 535 U.S. 234 (2002). There, the Supreme Court found that a law proscribing virtual child pornography was unconstitutionally overbroad because it restricted images that were not the product of child abuse and did not require them to be obscene. *Id.* at 256.

Viewing the evidence in the light most favorable to the verdict, a reasonable jury could find that the three anime images were obscene. *United States v. Cook*, 603 F.3d 434, 437 (8th Cir. 2010) (standard of review). A work is obscene if: (1) "'the average person, applying contemporary community standards' would find that the work, taken as a whole, appeals to the prurient interest," (2) "the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law," and (3) "the work, taken as a whole, lacks serious literary, artistic, political, or scientific value." *Miller v. California*, 413 U.S. 15, 24 (1973) (citations omitted). The anime images depict sexually explicit acts between two young boys and an adult woman that a reasonable jury could find appeal to the

[1]The Honorable D.P. Marshall, Jr., United States District Judge for the Eastern District of Arkansas.

[2]We reject Seaton's argument that § 1466A(a)(1) requires that the minor depicted actually exist. § 1466A(c) ("It is not a required element of any offense under this section that the minor depicted actually exist."); *see United States v. Arthur*, 51 F.4th 560, 568–69 (5th Cir. 2022).

prurient interest. The jury could also find that the images' depictions of children engaging in sexual conduct with an adult are patently offensive and that they are different from the literary and film works Seaton cites.

Turning to Count Two, Seaton argues that the evidence was insufficient to show he knowingly possessed the cache of child pornography images found in his computer's carved space because the space could not be accessed without additional software, which was not found on his computer. He also suggests that Kevin Hicks—a man who had access to Seaton's home and who was later convicted of possessing child pornography—could have deposited the images there. But Hicks testified that he had never used Seaton's computer and that Seaton had asked him how to search for child pornography. Seaton also admitted that he used certain search terms, which appear to match images that were found in the carved space. And while the location of child pornography in inaccessible computer locations "'can raise serious issues of inadvertent or unknowing possession . . . these are issues of fact, not of law.'" *United States v. Hensley*, 982 F.3d 1147, 1157 (8th Cir. 2020) (citation omitted). Resolving evidentiary conflicts in favor of the government, a reasonable jury could find Seaton knowingly possessed the child pornography. *See Cook*, 603 F.3d at 437.

Affirmed.

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 24-3157

United States of America

Appellee

v.

Eddie Seaton

Appellant

Appeal from U.S. District Court for the Eastern District of Arkansas - Central
(4:20-cr-00114-DPM-1)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

December 16, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Final Instructions

includes any photograph, film, video, picture, digital image or picture, computer image or picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means.

14.

The term "sexually explicit conduct" means actual or simulated sexual intercourse, including genital-genital, oral-genital, anal-genital, oral-anal, whether between persons of the same or opposite sex; bestiality, masturbation, sadistic or masochistic abuse, and lascivious exhibition of the genitals or pubic area of any person.

15.

To decide whether a visual depiction of the genitals or pubic area constitutes a lascivious exhibition, you must consider the overall content of the material. You may consider factors like (1) whether the focal point of the picture is on the minor's genitals or pubic area; (2) whether the setting of the picture is sexually suggestive—that is, in a place or pose generally associated with sexual activity; (3) whether the minor is depicted in an unnatural pose or in inappropriate attire, considering the age of the minor; (4) whether the minor is fully or partially clothed, or nude; (5) whether the picture suggests sexual coyness or a willingness to engage in sexual activity; (6) whether the picture is intended or designed to elicit a sexual response in the viewer; (7) whether the picture portrays the minor as a sexual object; and (8) any captions on the pictures.

You decide what weight, if any, to give to each of these factors. A visual depiction need not involve all of these factors to constitute a lascivious exhibition of the genitals or pubic area.

16.

For you to find Seaton guilty on count one, the United States must prove beyond a reasonable doubt that the visual depiction or depictions are obscene. To determine whether the material is obscene, you should consider the following:

One, whether the average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest. "Prurient interest" means a shameful or morbid interest in nudity, sex, or excretion that is also patently offensive. Material that provokes only normal, healthy sexual desires is not obscene;

Two, whether the average person applying contemporary community standards would find that the work depicts, or describes in a patently offensive way, sexually explicit conduct; and

Three, whether a reasonable person would find that the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Contemporary community standards are set by what is, in fact, accepted in the adult community as a whole, and not by what the community merely tolerates and not by what some groups or persons may believe the community ought to accept or refuse to accept. Obscenity is not a matter of individual taste, and the question is not how the material impresses an individual juror; rather, the test is whether the average adult person of the

community would view the material as an appeal to the prurient interest in nudity, sex, or excretion.

17.

Count two of the Indictment charges Seaton with possession of child pornography. That crime has three elements, which are:

One, that around 30 December 2019, Seaton knowingly possessed, or knowingly accessed with intent to view, one or more visual depictions of child pornography;

Two, that Seaton knew that the visual depiction or depictions were of a minor engaging in sexually explicit conduct; and

Three, that the visual depiction or depictions had been mailed, shipped, or transported in interstate or foreign commerce, including by computer, or that the material containing the visual depiction or depictions was produced using materials that had

been mailed, shipped, or transported in interstate or foreign commerce, including by computer.

You have heard evidence of more than one visual depiction involved in the offense. You must agree unanimously as to which visual depiction or depictions Seaton knowingly possessed, or knowingly accessed with intent to view.

If all three elements have been proved beyond a reasonable doubt as to Seaton, then you must find him guilty on count two. Otherwise, you must find Seaton not guilty on count two.

18.

"Child pornography" means any visual depiction of a minor engaging in sexually explicit conduct, where the minor was engaged in the sexually explicit conduct during production of the visual depiction. The definitions of "visual depiction" and

"sexually explicit conduct" are provided in Instruction Numbers 13, 14, and 15. "Minor" means any person under the age of eighteen years. Unlike count one, for the purposes of count two, the minors depicted must actually exist.

19.

Intent or knowledge may be proved like anything else. You may consider any statements Seaton made, any acts he did in connection with the alleged offense, and all the facts and circumstances in evidence that may aid in determining Seaton's intent or knowledge.

You may, but are not required to, infer that a person intends the natural and probable consequences of any acts knowingly done or knowingly omitted.