

33

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIV

Case:5:16-cr-20239
Judge: Levy, Judith E.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VIOL: 18 U.S.C. § 2252A(g)
18 U.S.C. § 2251(a)
18 U.S.C. § 2251(e)
18 U.S.C. § 2422
18 U.S.C. § 2252(a)(2)
18 U.S.C. § 2252(b)(1)
18 U.S.C. § 2253
18 U.S.C. § 2
18 U.S.C. § 2252A(a)(5)(B)
18 U.S.C. § 2252A(b)(2)

D-1, JUSTIN D. FULLER,
aka, Yep,
aka, Yep_yep_hun,
aka, Yep_ster,

D-2, JOHN L. GARRISON,
aka, Austin, aka Kenzie,
aka, austinjt1,

D-3, BRANDON L. HENNERBERG,
aka, Sam,
aka, Mr_Flinstone,

D-4, VIRGIL NAPIER, JR.,
aka, Nietzi,
aka, Neo,

D-5, THOMAS S. DOUGHERTY,
aka, Mop,
aka, Jamesdimy,

D-6, DANTLY G. NICART,
aka, Nono,
aka, Zack,

Defendants.

FILED
2016 JUN -9 P 12:54
U.S. DIST. COURT CLERK
EAST. DIST. MICHIGAN
DETROIT

FIRST SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

At all times in this First Superseding Indictment:

1. Defendant Virgil Napier, Jr. was a resident of Michigan.
2. Defendant Justin D. Fuller was a resident of California.
3. Defendant Brandon L. Hennerberg was a resident of Nebraska.
4. Defendant John L. Garrison was a resident of Illinois.
5. Defendant Thomas S. Dougherty was a resident of California.
6. Defendant Dantly G. Nicart was a resident of Nevada and California.
7. Minor Victim 1 (hereinafter "MV-1") was a girl under the age of 18.
8. Minor Victim 2 (hereinafter "MV-2") was a girl under the age of 18.
9. Minor Victim 3 (hereinafter "MV-3") was a girl under the age of 18.
10. Minor Victim 4 (hereinafter "MV-4") was a girl under the age of 18.
11. Minor Victim 5 (hereinafter "MV-5") was a girl under the age of 18.
12. Minor Victim 6 (hereinafter "MV-6") was a girl under the age of 18.
13. Minor Victim 7 (hereinafter "MV-7") was a girl under the age of 18.
14. Minor Victim 8 (hereinafter "MV-8") was a girl under the age of 18.
15. During the time periods covered in this First Superseding Indictment, and as far back as 2013, Defendants worked together as a group to record videos of numerous minor victims, both known and unknown to the Grand

Jury, engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2). Specifically, Defendants produced videos of minor victims, both known and unknown to the grand jury, engaged in sexual acts and the lascivious exhibition of the genitals and pubic area.

COUNT ONE

(Child Exploitation Enterprise, 18 U.S.C. § 2252A(g))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

Between the dates of November 16, 2013 and March 10, 2016, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., THOMAS S. DOUGHERTY, and DANTLY G. NICART knowingly engaged in a child exploitation enterprise by violating Chapter 110 of Title 18 of the United States Code, as a part of a series of felony violations constituting three or more separate incidents and involving more than one minor victim, which offenses are described in Counts TWO through EIGHTEEN and in Counts TWENTY through TWENTY-EIGHT of this First Superseding Indictment, and committed those offenses in concert with three or more other persons; all in violation of Title 18, United States Code, Section 2252A(g).

COUNT TWO

(Conspiracy Production of Child Pornography, 18 U.S.C §§ 2251(a), 2251(e))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

Between the dates of November 16, 2013 and March 10, 2016, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., THOMAS S. DOUGHERTY, and DANTLY G. NICART, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-2, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) & (e).

COUNT THREE

(Production of Child Pornography, 18 U.S.C. §§ 2, 2251(a))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-5, THOMAS S. DOUGHERTY

On or about December 12, 2015, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, and THOMAS S. DOUGHERTY aided and abetted by each other, and others known and unknown to the Grand Jury, did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-2, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a), & Title 18, United States Code, Section 2.

COUNT FOUR

(Conspiracy Production of Child Pornography, 18 U.S.C §§ 2251(a), 2251(e))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

Between the dates of November 16, 2013 and March 10, 2016, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., THOMAS S. DOUGHERTY, and DANTLY G. NICART did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-3, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) & (e).

COUNT FIVE

(Production of Child Pornography, 18 U.S.C. §§ 2, 2251(a))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY

On or about January 1, 2015 through November 16, 2015, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., and THOMAS S. DOUGHERTY, aided and abetted by each other, and others known and unknown to the Grand Jury, did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-3, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a) & Title 18, United States Code, Section 2.

COUNT SIX

(Conspiracy Production of Child Pornography, 18 U.S.C. §§ 2251(a), 2251(e))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

Between the dates of November 16, 2013 and March 10, 2016, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., THOMAS S. DOUGHERTY, and DANTLY G. NICART, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-4, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) & (e).

COUNT SEVEN

(Production of Child Pornography, 18 U.S.C. §§ 2, 2251(a))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY

On or about January 1, 2015 through November 16, 2015, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., and THOMAS S. DOUGHERTY, aided and abetted by each other, and others known and unknown to the Grand Jury, did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-4, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a) & Title 18, United States Code, Section 2.

COUNT EIGHT

(Conspiracy Production of Child Pornography, 18 U.S.C. §§ 2251(a), 2251(e))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

Between the dates of November 16, 2013 and March 10, 2016, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., THOMAS S. DOUGHERTY, and DANTLY G. NICART, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-5, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) & (e).

COUNT NINE

(Production of Child Pornography, 18 U.S.C. §§ 2, 2251(a))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY

On or about November of 2015, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., and THOMAS S. DOUGHERTY, aided and abetted by each other, and others known and unknown to the Grand Jury, did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-5, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a) & Title 18, United States Code, Section 2.

COUNT TEN

(Conspiracy Production of Child Pornography, 18 U.S.C. §§ 2251(a), 2251(e))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

Between the dates of November 16, 2013 and March 10, 2016, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, THOMAS S. DOUGHERTY, and DANTLY G. NICART, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-1, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) & (e).

COUNT ELEVEN

(Production of Child Pornography, 18 U.S.C. §§ 2, 2251(a))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-5, THOMAS S. DOUGHERTY

On or about December 11, 2015, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, and THOMAS S. DOUGHERTY, aided and abetted by each other, and others known and unknown to the Grand Jury, did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-1, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a), & Title 18, United States Code, Section 2.

COUNT TWELVE

(Conspiracy Receipt of Child Pornography, 18 U.S.C. §§ 2252(a)(2), 2252(b)(1))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

Between the dates of November 16, 2013 and March 10, 2016, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., THOMAS S. DOUGHERTY, and DANTLY G. NICART, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), to wit: images of real children engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), that had been transported in and affecting interstate and foreign commerce using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2252(a)(2) & (b)(1).

COUNT THIRTEEN

(Conspiracy Access w/Intent to View Child Pornography 18 U.S.C. §§
2252A(a)(5)(B), 2252A(b)(2))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

Between the dates of November 16, 2013 and March 10, 2016, within the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., THOMAS S. DOUGHERTY, and DANTLY G. NICART, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly access with intent to view one or more digital files, internet links, internet posts, and other material which contained child pornography, as defined in Title 18, United States Code, Section 2256(8), including but not limited to visual depictions of real minors, prepubescent minors and minors who had not attained twelve (12) years of age, engaged in sexually explicit conduct, that had been shipped and transported using any means and facility of interstate and foreign commerce, had been shipped and/or transported in and affecting interstate and foreign commerce, and were produced using materials that have been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, in violation of Title 18, United States Code, Section 2252A(a)(5)(B) & 2252(A)(b)(2).

COUNT FOURTEEN

(Coercion and Enticement of a Minor 18 U.S.C. §§ 2, 2422(b)).

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY

Between the dates of January 1, 2015 and March 10, 2016, in the Eastern District of Michigan and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., and THOMAS S. DOUGHERTY, aided and abetted by each other, did knowingly use a facility and means of interstate or foreign commerce (to wit: the Internet) to persuade, induce, entice and coerce a person who had not attained the age of 18 years (to wit: MV-3) to engage in any sexual activity for which any person could be charged with a criminal offense, to include the production of child pornography as described in 18 U.S.C. § 2256(8) and child sexually abusive activity or material, in violation of M.C.L. § 750.154c, all in violation of 18 U.S.C. § 2422(b) & § 2.

COUNT FIFTEEN

(Coercion and Enticement of a Minor 18 U.S.C. §§ 2, 2422(b))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY

Between the dates of January 1, 2015 and March 10, 2016, in the Eastern District of Michigan and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., and THOMAS S. DOUGHERTY, aided and abetted by each other, did knowingly use a facility and means of interstate or foreign commerce (to wit: the Internet) to persuade, induce, entice and coerce a person who had not attained the age of 18 years (to wit: MV-4) to engage in any sexual activity for which any person could be charged with a criminal offense, to include the production of child pornography as described in 18 U.S.C. § 2256(8) and child sexually abusive activity or material, in violation of M.C.L. § 750.154c, all in violation of 18 U.S.C. § 2422(b) & § 2.

COUNT SIXTEEN

(Coercion and Enticement of a Minor 18 U.S.C. §§ 2, 2422(b)).

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY

Between the dates of January 1, 2015 and March 10, 2016, in the Eastern District of Michigan and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., and THOMAS S. DOUGHERTY, aided and abetted by each other, did knowingly use a facility and means of interstate or foreign commerce (to wit: the Internet) to persuade, induce, entice and coerce a person who had not attained the age of 18 years (to wit: MV-5) to engage in any sexual activity for which any person could be charged with a criminal offense, to include the production of child pornography as described in 18 U.S.C. § 2256(8) and child sexually abusive activity or material, in violation of M.C.L. § 750.154c, all in violation of 18 U.S.C. § 2422(b) & § 2.

COUNT SEVENTEEN

(Coercion and Enticement of a Minor 18 U.S.C. §§ 2, 2422(b)).

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-5, THOMAS S. DOUGHERTY

Between the dates of December 2, 2015 and December 22, 2015, in the Eastern District of Michigan and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, and THOMAS S. DOUGHERTY, aided and abetted by each other, did knowingly use a facility and means of interstate or foreign commerce (to wit: the Internet) to persuade, induce, entice and coerce a person who had not attained the age of 18 years (to wit: MV-1) to engage in any sexual activity for which any person could be charged with a criminal offense, to include the production of child pornography as described in 18 U.S.C. § 2256(8) and child sexually abusive activity or material, in violation of M.C.L. § 750.154c, all in violation of 18 U.S.C. § 2422(b) & § 2.

COUNT EIGHTEEN

(Coercion and Enticement of a Minor 18 U.S.C. §§ 2, 2422(b)).

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-5, THOMAS S. DOUGHERTY

Between the dates of December 2, 2015 and December 22, 2015, in the Eastern District of Michigan and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, and THOMAS S. DOUGHERTY, aided and abetted by each other, did knowingly use a facility and means of interstate or foreign commerce (to wit: the Internet) to persuade, induce, entice and coerce a person who had not attained the age of 18 years (to wit: MV-2) to engage in any sexual activity for which any person could be charged with a criminal offense, to include the production of child pornography as described in 18 U.S.C. § 2256(8) and child sexually abusive activity or material, in violation of M.C.L. § 750.154c, all in violation of 18 U.S.C. § 2422(b) & § 2.

COUNT NINETEEN

(Possession of Child Pornography -- 18 U.S.C. § 2252A(a)(5)(B))

D-4 VIRGIL NAPIER, JR.

On or about November 16, 2015, within the Eastern District of Michigan, the defendant, VIRGIL NAPIER, JR., knowingly possessed one or more computer hard drives, cell phones, cameras, DVDs, magazines, periodicals, and other material which contained child pornography, as defined in Title 18, United States Code, Section 2256(8), including but not limited to visual depictions of real minors, prepubescent minors and minors who had not attained twelve (12) years of age, engaged in sexually explicit conduct, that had been shipped and transported using any means and facility of interstate and foreign commerce, had been shipped and/or transported in and affecting interstate and foreign commerce, and were produced using materials that have been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT TWENTY

(Conspiracy Production of Child Pornography, 18 U.S.C §§ 2251(a), 2251(e))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

Between the dates of November 16, 2013 and March 10, 2016, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., THOMAS S. DOUGHERTY, and DANTLY G. NICART, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-6, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) & (e).

COUNT TWENTY-ONE

(Production of Child Pornography, 18 U.S.C. §§ 2, 2251(a))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

On or about November 16, 2015 through on or about February 19, 2016, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, THOMAS S. DOUGHERTY, and DANTLY G. NICART, aided and abetted by each other, and others known and unknown to the Grand Jury, did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-6, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a), & Title 18, United States Code, Section 2.

COUNT TWENTY-TWO

(Conspiracy Production of Child Pornography, 18 U.S.C §§ 2251(a), 2251(e))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

Between the dates of November 16, 2013 and March 10, 2016, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, THOMAS S. DOUGHERTY, and DANTLY G. NICART, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-7, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) & (e).

COUNT TWENTY-THREE

(Production of Child Pornography, 18 U.S.C. §§ 2, 2251(a))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-5, THOMAS S. DOUGHERTY

On or about December 18, 2015 through on or about December 22, 2015, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, and THOMAS S. DOUGHERTY, aided and abetted by each other, and others known and unknown to the Grand Jury, did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-7, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a), & Title 18, United States Code, Section 2.

COUNT TWENTY-FOUR

(Conspiracy Production of Child Pornography, 18 U.S.C §§ 2251(a), 2251(e))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

Between the dates of November 16, 2013 and March 10, 2016, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., THOMAS S. DOUGHERTY, and DANTLY G. NICART, did combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury, to knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-8, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) & (e).

COUNT TWENTY-FIVE

(Production of Child Pornography, 18 U.S.C. §§ 2, 2251(a))

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY

On or about January 1, 2015 through on or about November 16, 2015, in the Eastern District of Michigan, and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., and THOMAS S. DOUGHERTY, aided and abetted by each other, and others known and unknown to the Grand Jury, did knowingly employ, use, persuade, induce, entice, and coerce a minor, to wit: MV-8, to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, or in and affecting interstate and foreign commerce; using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce; all in violation of Title 18, United States Code, Section 2251(a), & Title 18, United States Code, Section 2.

COUNT TWENTY-SIX

(Coercion and Enticement of a Minor 18 U.S.C. §§ 2, 2422(b)).

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-5, THOMAS S. DOUGHERTY
D-6, DANTLY G. NICART

Between the dates of November 16, 2015 and February 19, 2016, in the Eastern District of Michigan and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, THOMAS S. DOUGHERTY, and DANTLY G. NICART, aided and abetted by each other, did knowingly use a facility and means of interstate or foreign commerce (to wit: the Internet) to persuade, induce, entice and coerce a person who had not attained the age of 18 years (to wit: MV-6) to engage in any sexual activity for which any person could be charged with a criminal offense, to include the production of child pornography as described in 18 U.S.C. § 2256(8) and child sexually abusive activity or material, in violation of M.C.L. § 750.154c, all in violation of 18 U.S.C. § 2422(b) & § 2.

COUNT TWENTY-SEVEN

(Coercion and Enticement of a Minor 18 U.S.C. §§ 2, 2422(b)).

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-5, THOMAS S. DOUGHERTY

Between the dates of December 18, 2015 and December 23, 2015, in the Eastern District of Michigan and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, and THOMAS S. DOUGHERTY, aided and abetted by each other, did knowingly use a facility and means of interstate or foreign commerce (to wit: the Internet) to persuade, induce, entice and coerce a person who had not attained the age of 18 years (to wit: MV-7) to engage in any sexual activity for which any person could be charged with a criminal offense, to include the production of child pornography as described in 18 U.S.C. § 2256(8) and child sexually abusive activity or material, in violation of M.C.L. § 750.154c, all in violation of 18 U.S.C. § 2422(b) & § 2.

COUNT TWENTY-EIGHT

(Coercion and Enticement of a Minor 18 U.S.C. §§ 2, 2422(b)).

D-1, JUSTIN D. FULLER
D-2, JOHN L. GARRISON
D-3, BRANDON L. HENNERBERG
D-4, VIRGIL NAPIER, JR.
D-5, THOMAS S. DOUGHERTY

Between the dates of January 1, 2015 and March 10, 2016, in the Eastern District of Michigan and elsewhere, the defendants, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., and THOMAS S. DOUGHERTY, aided and abetted by each other, did knowingly use a facility and means of interstate or foreign commerce (to wit: the Internet) to persuade, induce, entice and coerce a person who had not attained the age of 18 years (to wit: MV-8) to engage in any sexual activity for which any person could be charged with a criminal offense, to include the production of child pornography as described in 18 U.S.C. § 2256(8) and child sexually abusive activity or material, in violation of M.C.L. § 750.154c, all in violation of 18 U.S.C. § 2422(b) & § 2.

FORFEITURE ALLEGATION

1. The allegations of this First Superseding Indictment are re-alleged as if fully set forth here, for the purpose of alleging forfeiture, pursuant to Title 18, United States Code, Section 2253.

2. If convicted of an offense charged and set forth above, JUSTIN D. FULLER, JOHN L. GARRISON, BRANDON L. HENNERBERG, VIRGIL NAPIER, JR., THOMAS S. DOUGHERTY, and DANTLY G. NICART shall forfeit to the United States any and all materials and property used and intended to be used in the distribution, possession, and transportation of visual depictions of minors engaging in sexually explicit conduct, and any and all property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense.

THIS IS A TRUE BILL.

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

BARBARA L. McQUADE
UNITED STATES ATTORNEY

s/ Matthew A. Roth
Assistant United States Attorney
Chief, General Crimes Unit
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
Email: mroth2@usadoj.gov

s/ Sara D. Woodward
s/ April N. Russo
Assistant United States Attorneys
211 W. Fort Street, Suite 2001
Detroit, MI 48226-3220
Phone: (313) 226-9129
Email: april.russo@usdoj.gov

Dated: June 9, 2016

ORIGINAL

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number 16-cr-20239
--	----------------------------------	-----------------------------------

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Reassignment/Recusal Information This matter was opened in the USAO prior to August 15, 2008 []

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <u>AR</u>

Case Title: USA v. Justin Fuller, et al.

County where offense occurred : Oakland

Check One: **Felony** **Misdemeanor**

- Indictment/ Information --- no prior complaint.
- Indictment/ Information --- based upon prior complaint [Case number:]
- Indictment/ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

FILED
 2016 JUN -9 PM 12:54
 U.S. DIST. COURT CLERK
 EAST. DIST. MICHIGAN
 DETROIT

Superseding Case Information


Superseding to Case No: 16-cr-20239 Judge: Levy

- Original case was terminated; no additional charges or defendants.
- Corrects errors; no additional charges or defendants.
- Involves, for plea purposes, different charges or adds counts.
- Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
D-5, THOMAS S. DOUGHERTY	18 U.S.C. § 2252A(g)	16-mj-30182
D-6, DANTLY G. NICART	18 U.S.C. §§ 2, 2251(a)	16-mj-30230
	18 U.S.C. §§ 2, 2422(b)	

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

June 9, 2016
Date


 APRIL N. RUSSO
 Assistant United States Attorney
 211 W. Fort Street, Suite 2001
 Detroit, MI 48226-3277
 Phone: 313-226-9129
 Fax: 313-226-2372
 E-Mail address: April.Russo@usdoj.gov
 Attorney Bar #: PA313475

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.