

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

AUG 21 2008

Michael N. Milby, Clerk of Court

VICTORIA DIVISION

UNITED STATES OF AMERICA                   §  
  §  
  §     v.     CRIMINAL NUMBER V-08-01-SS  
  §  
TURNER CORNELL MOONEYHAM           §

SECOND SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNTS ONE THROUGH NINE

On or about the following dates, in the Victoria Division of the Southern District of Texas and within the jurisdiction of the Court, the defendant,

TURNER CORNELL MOONEYHAM,

did knowingly make a false statement or representation with respect to the information required by the Gun Control Act to be kept in the records of the following persons licensed under the Gun Control Act, by listing an address on Lone Tree Road in Victoria, Texas, as his current address on the ATF Form 4473s set forth below, while in fact he actually resided on East Stayton Street, Victoria, Texas:

COUNT ONE	ATF Form 4473, dated April 28, 2006, submitted to Cash America Pawn of San Antonio #9, unindicted herein.
COUNT TWO	ATF Form 4473, dated April 30, 2006, submitted to Action Pawn, unindicted herein.
COUNT THREE	ATF Form 4473, dated May 6, 2006, submitted to Victoria All-Sports Center, unindicted herein.
COUNT FOUR	ATF Form 4473, dated May 6, 2006, submitted to Wal-Mart Supercenter #330, unindicted herein.

COUNT FIVE	ATF Form 4473, dated May 7, 2006, submitted to Terrel Lee Hass, d/b/a P.D.Q., unindicted herein.
COUNT SIX	ATF Form 4473, dated May 10, 2006, submitted to Crossroads Hunting, Inc. d/b/a Eller's Hunting Post, unindicted herein.
COUNT SEVEN	ATF Form 4473, dated May 12, 2006, submitted to Sam Houston Pawn & Jewelry, unindicted herein.
COUNT EIGHT	ATF Form 4473, dated May 16, 2006, submitted to Victoria All-Sports Center, unindicted herein.
COUNT NINE	ATF Form 4473, dated July 29, 2006, submitted to Cash America Pawn of Victoria #1, unindicted herein.

In violation of Title 18, United States Code, § 924 (a)(1)(A) and § 924(a)(1)(D).

COUNTS TEN THROUGH FOURTEEN

On or about the following dates, in the Victoria Division of the Southern District of Texas and within the jurisdiction of the Court, the defendant,

**TURNER CORNELL MOONEYHAM,**

did knowingly make a false statement or representation with respect to the information required by the Gun Control Act to be kept in the records of the following persons licensed under the Gun Control Act, by listing himself as the "actual buyer" on the ATF Form 4473s set forth below, while in fact he was actually purchasing the firearms pursuant to an order from another person:

COUNT TEN	ATF Form 4473, dated September 15, 2003, submitted to Eller's Hunting Post, Inc., unindicted herein.
COUNT ELEVEN	ATF Form 4473, dated September 22, 2003, submitted to Eller's Hunting Post, Inc. unindicted herein.
COUNT TWELVE	ATF Form 4473, dated September 23, 2003, submitted to Victoria Pawn & Jewelry, unindicted herein.

COUNT THIRTEEN	ATF Form 4473, dated October 2, 2003, submitted to Cash America Pawn of Austin #15, unindicted herein.
COUNT FOURTEEN	ATF Form 4473, dated October 2, 2003, submitted to Cash America Pawn #550 of Austin #20, unindicted herein.

In violation of Title 18, United States Code, § 924(a)(1)(A) and § 924(a)(1)(D).

COUNT FIFTEEN

From on or about April 2006, until on or about May 2006, in the Victoria Division of the Southern District of Texas and within the jurisdiction of the Court, the defendant,

TURNER CORNELL MOONEYHAM,

fraudulently or knowingly exported the following firearms, contrary to any law or regulation of the United States, from Texas to Mexico:

- (1) a Benelli Model Nova, 12 gauge shotgun, serial number Z323945;
- (2) a Beretta Model84, 380 caliber pistol, serial number H17381Y;
- (3) a Beretta Model 84, 380 caliber pistol, serial number D48958Y;
- (4) a Beretta Model 84, 380 caliber pistol, serial number D13951Y;
- (5) a Browning Model Buckmark, 22 caliber pistol, serial number 515MT02816;
- (6) a Browning Model Cynergy, 12 gauge shotgun, serial number 03955MV132;
- (7) a Charter Arms Model Undercover, 38 caliber revolver, serial number 736530;
- (8) an H&R Model 929, 22 caliber revolver, serial number AH34420;
- (9) an H&R Model (no data), 12 gauge shotgun, serial number BB437885;
- (10) a Marlin Model 60, 22 caliber rifle, serial number 23544087;
- (11) a Marlin Model 60, 22 caliber rifle, serial number 01110034;
- (12) a NAA Model (no data), 22 caliber rifle, serial number L075311;
- (13) a Phoenix Model HP22, 22 caliber pistol, serial number 4273746;
- (14) a Phoenix Model HP22, 22 caliber pistol, serial number 4273762;
- (15) a Phoenix Model HP22, 22 caliber pistol, serial number 4273764;
- (16) a Phoenix Model HP22, 22 caliber pistol, serial number 4273790;
- (17) a Phoenix Model HP22, 22 caliber pistol, serial number 4273792;
- (18) a Phoenix Model HP22, 22 caliber pistol, serial number 4273806;
- (19) a Phoenix Model HP22, 22 caliber pistol, serial number 4273823;
- (20) a Phoenix Model HP22, 22 caliber pistol, serial number 4273825;
- (21) a Phoenix Model HP22, 22 caliber pistol, serial number 4273847;
- (22) a Phoenix Model HP22, 22 caliber pistol, serial number 4273849;
- (23) a Phoenix Model HP22, 22 caliber pistol, serial number 4273745;

- (24) a Phoenix Model HP22, 22 caliber pistol, serial number 4273747;
- (25) a Phoenix Model HP22, 22 caliber pistol, serial number 4273763;
- (26) a Phoenix Model HP22, 22 caliber pistol, serial number 4273765;
- (27) a Phoenix Model HP22, 22 caliber pistol, serial number 4273791;
- (28) a Phoenix Model HP22, 22 caliber pistol, serial number 4273805;
- (29) a Phoenix, Model HP22, 22 caliber pistol, serial number 4273807;
- (30) a Phoenix Model HP22, 22 caliber pistol, serial number 4273824;
- (31) a Phoenix Model HP22, 22 caliber pistol, serial number 4273843;
- (32) a Phoenix Model HP22, 22 caliber pistol, serial number 4273848;
- (33) a Remington Model 700P, 308 caliber rifle, serial number G6563904;
- (34) a Remington Model Charter 700, 270 caliber rifle, serial number G60459313;
- (35) a Remington Model 700, 270 caliber rifle, serial number G6474642;
- (36) a Remington Model 870, 12 gauge shotgun, serial number D246928M;
- (37) a Remington Model 870, 12 gauge shotgun, serial number 1266758M;
- (38) a Remington Model 870, 12 gauge shotgun, serial number W155661;
- (39) a Taurus Model 94, 22 caliber pistol, serial number OG88975;
- (40) a Savage Model 4C, 22 caliber rifle, no serial number;
- (41) a Stevens Model 9478, 20 gauge shotgun, serial number D355720;
- (42) a Stevens Model 311, 20 gauge shotgun, serial number D218604; and,
- (43) a Winchester Model 37, 410 shotgun, no serial number.

In violation Title 18, United States Code, § 554.

COUNT SIXTEEN

From on or about April 2006, until on or about May 2006, in the Victoria Division of the Southern District of Texas and within the jurisdiction of the Court, the defendant,

TURNER CORNELL MOONEYHAM,

with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year was committed therewith, transported the following firearms from

Texas to Mexico:

- (1) a Benelli Model Nova, 12 gauge shotgun, serial number Z323945;
- (2) a Beretta Model84, 380 caliber pistol, serial number H17381Y;
- (3) a Beretta Model 84, 380 caliber pistol, serial number D48958Y;
- (4) a Beretta Model 84, 380 caliber pistol, serial number D13951Y;
- (5) a Browning Model Buckmark, 22 caliber pistol, serial number 515MT02816;
- (6) a Browning Model Cynergy, 12 gauge shotgun, serial number 03955MV132;

- (7) a Charter Arms Model Undercover, 38 caliber revolver, serial number 736530;
- (8) an H&R Model 929, 22 caliber revolver, serial number AH34420;
- (9) an H&R Model (no data), 12 gauge shotgun, serial number BB437885;
- (10) a Marlin Model 60, 22 caliber rifle, serial number 23544087;
- (11) a Marlin Model 60, 22 caliber rifle, serial number 01110034;
- (12) a NAA Model (no data), 22 caliber rifle, serial number L075311;
- (13) a Phoenix Model HP22, 22 caliber pistol, serial number 4273746;
- (14) a Phoenix Model HP22, 22 caliber pistol, serial number 4273762;
- (15) a Phoenix Model HP22, 22 caliber pistol, serial number 4273764;
- (16) a Phoenix Model HP22, 22 caliber pistol, serial number 4273790;
- (17) a Phoenix Model HP22, 22 caliber pistol, serial number 4273792;
- (18) a Phoenix Model HP22, 22 caliber pistol, serial number 4273806;
- (19) a Phoenix Model HP22, 22 caliber pistol, serial number 4273823;
- (20) a Phoenix Model HP22, 22 caliber pistol, serial number 4273825;
- (21) a Phoenix Model HP22, 22 caliber pistol, serial number 4273847;
- (22) a Phoenix Model HP22, 22 caliber pistol, serial number 4273849;
- (23) a Phoenix Model HP22, 22 caliber pistol, serial number 4273745;
- (24) a Phoenix Model HP22, 22 caliber pistol, serial number 4273747;
- (25) a Phoenix Model HP22, 22 caliber pistol, serial number 4273763;
- (26) a Phoenix Model HP22, 22 caliber pistol, serial number 4273765;
- (27) a Phoenix Model HP22, 22 caliber pistol, serial number 4273791;
- (28) a Phoenix Model HP22, 22 caliber pistol, serial number 4273805;
- (29) a Phoenix, Model HP22, 22 caliber pistol, serial number 4273807;
- (30) a Phoenix Model HP22, 22 caliber pistol, serial number 4273824;
- (31) a Phoenix Model HP22, 22 caliber pistol, serial number 4273843;
- (32) a Phoenix Model HP22, 22 caliber pistol, serial number 4273848;
- (33) a Remington Model 700P, 308 caliber rifle, serial number G6563904;
- (34) a Remington Model Charter 700, 270 caliber rifle, serial number G60459313;
- (35) a Remington Model 700, 270 caliber rifle, serial number G6474642;
- (36) a Remington Model 870, 12 gauge shotgun, serial number D246928M;
- (37) a Remington Model 870, 12 gauge shotgun, serial number 1266758M;
- (38) a Remington Model 870, 12 gauge shotgun, serial number W155661;
- (39) a Taurus Model 94, 22 caliber pistol, serial number OG88975;
- (40) a Savage Model 4C, 22 caliber rifle, no serial number;
- (41) a Stevens Model 9478, 20 gauge shotgun, serial number D355720;
- (42) a Stevens Model 311, 20 gauge shotgun, serial number D218604; and,
- (43) a Winchester Model 37, 410 shotgun, no serial number.

In violation of Title 18 United States Code, § 924(b).

**COUNT SEVENTEEN**

From on or about January 1, 2002, until on or about January 1, 2007, in the Victoria Division of the Southern District of Texas and within the jurisdiction of the Court, the defendant,

**TURNER CORNELL MOONEYHAM,**

did knowingly engage in the business of dealing in firearms without a federal firearms license.

In violation of Title 18, United States Code, § 922(a)(1)(A) and § 924(a)(1)(D).

**COUNTS EIGHTEEN THROUGH THIRTY**

**INTRODUCTION: POSSESSION OF CHILD PORNOGRAPHY**

At all times material to this Indictment:

1. The term "minor" is defined, pursuant to Title 18, United States Code, Section 2256(1), as "any person under the age of eighteen years."
2. The term "sexually explicit conduct" is defined, pursuant to Title 18, United States Code, Section 2256(2), as any:
  - "actual or simulated -
  - (A) sexual intercourse, including genital [to] genital, oral [to] genital, anal [to] genital, or oral [to] anal, whether between persons of the same or opposite sex; [or]
  - (B) bestiality; [or]
  - (C) masturbation; [or]
  - (D) sadistic or masochistic abuse; or
  - (E) [the] lascivious exhibition of the genitals or pubic area of any person."
3. The term "computer" is defined, pursuant to Title 18, United States Code, Sections 2256(6) and 1030(e)(1), as any:

"electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or

operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator or other similar device."

4. The term "child pornography", for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(8)(A), and limited to:

"any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where -

(A) the production of such visual depiction involves the use of a minor engaged in sexually explicit conduct."

5. The term "visual depiction" is defined, pursuant to Title 18, United States Code, Section 2256(5), as including, but is not limited to, any:

"undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image."

### THE VIOLATIONS

On or about June 29, 2007, in the Victoria Division of the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendant,

TURNER CORNELL MOONEYHAM,

did knowingly possess child pornography, which had been mailed, shipped, or transported in interstate and foreign commerce by any means, including by computer, or which was produced using materials which had been mailed, shipped, or transported in interstate and foreign commerce, by any means, including by computer, to wit: the defendant, Turner Cornell Mooneyham, possessed a Tower, Hewlett Packard, Media Center PC, model m7067c, Serial Number MXK5180ZDZ, containing one internal Seagate, model ST3250823A, 250 GB HDD, Serial Number 3NDOLX2J and one removable external "HP Personal Media Drive," Seagate,

model ST3300831A, 300 GB HDD, Serial Number 5NF14QFL, which contained the following entitled computer graphic video files:

COUNT EIGHTEEN	“(Hussyfan) (pthc) (r@ygold) Preteen Asian ALICA, 11 yo Philippine ( Filipina ) child prostitute XXX HC Pedo ptsc.mpg,” which depicts a minor female engaged in sexually explicit conduct.
COUNT NINETEEN	“(pthc) Family 2 - ReelFamilySex - entire clip - Hot Mother licks her 8yo Daughters sweet pussy as her brother fucks her - r@ygold - ddoggprn - incest REELKIDDYMOV.mpg,” which depicts a minor female engaged in sexually explicit conduct.
COUNT TWENTY	“PTHC - Open-NOBULL__family fun dad teaches bro and sis abt 9, 10 kid sex incest pedophilia boy girl 12.38.mpg,” which depicts a minor female and a minor male engaged in sexually explicit conduct.
COUNT TWENTY-ONE	“Vicky willing bed rape pthc 11 yo kdquality.mpg,” which depicts a minor female engaged in sexually explicit conduct.
COUNT TWENTY-TWO	“Best Incest about 14yo cute pigtail german lolita tiny puffies, hairless coochie lots of positions(r@ygold underage pedo) (1).mpg,” which depicts a minor female engaged in sexually explicit conduct.
COUNT TWENTY-THREE	“Dad fucks both (8yo & 11 yo) underage daughters incest preteen illegal pthc.MPG,” which depicts two minor females engaged in sexually explicit conduct.
COUNT TWENTY-FOUR	“14 Yr. Old Blonde Sucks 14 Yr. Old Boyfriend’s Cock...Private Amateur Teenager Sex Homevideos (privat Real Homemade Homeclip Voyour Porn Spy Cam Webcam Teensex Yr Yo) 014.mpg,” which depicts a minor female and a minor male engaged in sexually explicit conduct.
COUNT TWENTY-FIVE	“CORRUPT-0-(Pthc) 14yo Isabel - (Rape and Fuck) (R@ygold).mpg,” which depicts a minor female engaged in sexually explicit conduct.
COUNT TWENTY-SIX	“CORRUPT-0-[R@ygold - PTHC - Hussyfan ] 2 14yo russian girls fuck 1 men.avi,” which depicts two minor females engaged in sexually explicit conduct.



COUNT TWENTY-SEVEN	"LolitaSex Movie - Best Teens - Marianna - Danish teen 14yo fucked outside - Holland porno 1 (full 32m16s) [Lolita Network.mpg," which depicts a minor female engaged in sexually explicit conduct.
COUNT TWENTY-EIGHT	"Ceci 4 May 06.wmv"

and which contained thirty-five graphic images depicting a child engaged in explicit sexual conduct with the defendant, TURNER CORNELL MOONEYHAM, which were taken at the same time as the graphic video alleged in Count Twenty-Eight herein.

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B), 2252A(b)(2), and 2256(8)(A).

A TRUE BILL:

ORIGINAL SIGNATURE ON FILE  
FOR ~~THE~~ PERSON OF THE GRAND JURY

DONALD J. DeGABRIELLE, JR.  
UNITED STATES ATTORNEY

By:



CAROL K. WHEELER  
Assistant United States Attorney