

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	NO. 3:05-CR-00185
	)	JUDGE TRAUGER
TIMOTHY RYAN RICHARDS	)	
a/k/a CASEY MASTERSON	)	
a/k/a ALBERT REDMAN	)	
a/k/a CASEY LEE	)	
	)	

RESPONSE TO DEFENDANT’S MOTION IN LIMINE #2

The United States of America, by and through S. Carran Daughtrey, Assistant United States Attorney for the Middle District of Tennessee, and Kayla Bakshi, Trial Attorney for the Child Exploitation and Obscenity Section of the Department of Justice, respectfully requests this Court deny defendant’s motion in limine requesting the exclusion of any mention of or reference to Deward F. (a.k.a. “Dew”).

As the primary basis for this request, the government notes that as of this afternoon, the grand jury issued a superseding indictment that includes an additional count directly related to Dew, in which defendant is charged with Transfer of Obscene Material to a Minor, in violation of 18 U.S.C. § 1470. Third Superseding Indictment, Count 27. Prior to today, the government provided detailed information to defense counsel about the nature of the evidence that supports this additional count, which can be summarized as follows: the count charges that on July 17, 2005, defendant emailed four images in three emails to Dew; and the images depict defendant masturbating.

The elements of this offense include as follows: that the defendant knowingly transferred matter using a facility or means of interstate commerce; that such matter was obscene; that the defendant transferred or attempted to transfer the obscene matter to another person who had not attained the age of sixteen years; and that the defendant knew that such individual had not attained the age of sixteen years. *United States v. Chilleme*, \_\_\_ F.3d \_\_\_, 2006 WL 1174277, \*6 (N.D. Ohio May 3, 2006).

In order to prove that the recipient of these materials was under the age of sixteen and defendant was aware of his age, the government will necessarily need to introduce evidence about the relationship between defendant and Dew, including but not limited to the length of time they had known each other, how well they knew each other, and whether they were residing in the same residence.

Furthermore, as indicated in the government's Notice Pursuant to Rule 414, the fact that Dew was present in the residence and utilizing some of these computers is likely to become intricately intertwined in the presentation of the government's proof.

Wherefore, the government respectfully requests that defendant's motion in limine to exclude any mention of Dew be denied, as the government will necessarily have to present evidence about Dew to support the new charge, as well as to rebut any potential defense that Dew was responsible for the computer activity in the residence.

Respectfully submitted,

JAMES K. VINES  
United States Attorney for the  
Middle District of Tennessee

s/ S. Carran Daughtrey  
S. Carran Daughtrey  
Assistant United States Attorney  
110 Ninth Avenue South, Suite A-961  
Nashville, Tennessee 37203-3870  
Telephone: (615) 736-5151

Kayla Bakshi  
Trial Attorney  
Child Exploitation and Obscenity Section  
United States Department of Justice  
1400 New York Avenue, Suite 6000  
Washington DC 20530  
Telephone: (202) 353-9881

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served electronically  
or by mail to the following:

Peter J. Strianse  
Tune, Entrekin & White  
315 Deaderick Street, Suite 1700  
Nashville, TN 37238

Kimberly S. Hodde  
Hodde & Associates  
40 Music Square East  
Nashville, TN 37203

on this, the 27<sup>th</sup> day of September, 2006.

s/ S. Carran Daughtrey  
S. Carran Daughtrey