



Department of Justice

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Eastern District of California

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ORANGEVALE MAN INDICTED FOR SECOND CHILD PORNOGRAPHY OFFENSE

SACRAMENTO, Calif.—United States Attorney McGregor W. Scott announced today that a federal grand jury returned a two-count indictment charging RICHARD DUANE SILVA, 37, of Orangevale, Calif. with receiving child pornography.

This case is the product of an investigation by the Sacramento County Sheriff's Department, Internet Crimes Against Children Task Force.

According to Assistant United States Attorney Kyle Reardon, who is prosecuting the case, the indictment charges Silva with receiving depictions of minors engaged in sexually explicit conduct between June 24, 2008, and July 11, 2008. The indictment also alleges that on September 3, 2008, SILVA possessed one or more matters containing child pornography. Finally, the indictment charges that SILVA was previously convicted in Sacramento Superior Court on April 24, 2006, for possession of child pornography.

Due to the fact that SILVA has a prior conviction the same offense, the maximum statutory penalty for a violation of the first count is no less than 15 years and up to 30 years in prison, a life term of supervised release, and a \$250,000 fine. The maximum statutory penalty for a violation the second count is no less than 10 years and up to 20 years in prison, a life term of supervised release, and a \$250,000 fine. The actual sentence, however, will be determined at the discretion of the court after consideration of the Federal Sentencing Guidelines, which take into account a number of variables and any applicable statutory sentencing factors.

The charges are only allegations and the defendant is presumed innocent until and unless proven guilty beyond a reasonable doubt.

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