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BILLINGS DIV.

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ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,	CR 08-98-BLG- RFC
Plaintiff,	<u>INDICTMENT</u>
vs.	MAILING OBSCENE MATTER Title 18 U.S.C. § 1461 (Counts I, II, & III) (Penalty: Five years imprisonment, \$250,000 fine, and three years supervised release)
BARRY GOLDMAN, <i>dba Torture Portal,</i> <i>dba Masters of Pain,</i> <i>dba Bacchus Studios,</i>	FORFEITURE Title 18 U.S.C. § 1467
Defendant.	

THE GRAND JURY CHARGES:

COUNT I

That on or about April 3, 2008, the defendant, BARRY GOLDMAN, dba Torture Portal, Masters of Pain, and Bacchus Studios, did knowingly use the United States mail to mail and deliver to a location, at Billings, in the State and District of Montana, a DVD-movie containing obscene matter, identified as *Torture Of A Porn Store Girl*, in violation of 18 U.S.C. § 1461.

COUNT II

That on or about April 3, 2008, the defendant, BARRY GOLDMAN, dba Torture Portal, Masters of Pain, and Bacchus Studios, did knowingly use the United States mail to mail and deliver to a location, at Billings, in the State and District of Montana, a DVD-movie containing obscene matter, identified as *Pregnant and Willing*, in violation of 18 U.S.C. § 1461.

COUNT III

That on or about April 3, 2008, the defendant, BARRY GOLDMAN, dba Torture Portal, Masters of Pain, and Bacchus Studios, did knowingly use the United States mail to mail and deliver to a location, at Billings, in the State and District of Montana, a DVD-movie containing obscene matter, identified as *Defiant Crista Submits*, in violation of 18 U.S.C. § 1461.

FORFEITURE ALLEGATION

1. The allegations of Counts I through III of this indictment are re-alleged and incorporated herein by reference as if fully restated here for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. § 1467.

2. As a result of the violations of 18 U.S.C. § 1461, described in Counts I through III of this indictment, defendant BARRY GOLDMAN, dba Torture Portal, Masters of Pain, and Bacchus Studios, shall forfeit to the United States, pursuant to 18 U.S.C. § 1467, all obscene material produced, transported, mailed, shipped and received in connection with the offense charged in Counts I through III of this indictment, and all property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense(s), and all property, real or personal, used or intended to be used to commit or to promote the commission of such offense(s).

3. The interests of defendant subject to forfeiture pursuant to 18 U.S.C. § 1467 include, but are not limited to, the following items:

- (a) All copies of "*Torture Of A Porn Store Girl*," "*Pregnant and Willing*," and "*Defiant Crista Submits*;"
- (b) Gross profits from all sales of "*Torture Of A Porn Store Girl*," "*Pregnant and Willing*," and "*Defiant Crista Submits*;"
- (c) Ownership and rights of BARRY GOLDMAN to the domain name, websites, or e-mail addresses associated with the sale or distribution of "*Torture Of A Porn Store Girl*," "*Pregnant and Willing*," and "*Defiant Crista Submits*."

4. To the extent that the property described above as being subject to forfeiture pursuant to 18 U.S.C. § 1467, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred to, sold to, or deposited with a third person;

- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property that cannot be subdivided without difficulty,

the United States shall be entitled to forfeiture of substitute property under the provisions of 18 U.S.C. § 1467(n), and the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (3) above.

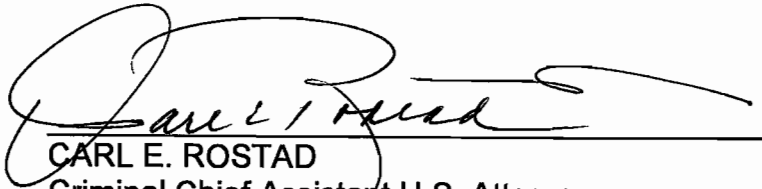
5. The above-named Defendant is liable for the forfeiture obligations as alleged above.

A TRUE BILL.


 FOREPERSON



WILLIAM W. MERCER
 United States Attorney
 Attorney for Plaintiff



CARL E. ROSTAD
 Criminal Chief Assistant U.S. Attorney
 Attorney for Plaintiff

Crim. Summons
 Warrants _____
 Bail _____

*Return 9/16/08 @ 2:00 p.m.
 before Mag. Ostby*

United States District Court

DISTRICT OF MONTANA, BILLINGS DIVISION

UNITED STATES OF AMERICA

VS.

BARRY GOLDMAN

38 Park Street - Jersey City, NJ 07304 - or -
20610 N.E. 7th Court - Miami, FL

SUMMONS IN A CRIMINAL CASE

Case Number: CR-08-98-BLG-RFC

YOU ARE HEREBY SUMMONED to appear before the United States District Court at the place, date and time set forth below.


PLACE:	U.S. DISTRICT COURT U.S. COURTHOUSE, COURTROOM III 316 NORTH 26TH STREET BILLINGS, MT 59101	DATE: September 16, 2008
BEFORE:	HONORABLE CAROLYN S OSTBY UNITED STATES MAGISTRATE JUDGE	TIME: 2:00 p.m.

To answer the Indictment charging you with a violation of Title 18, United States Code, Section 1461; and Title 18, United States Code, Section 1467.

Brief description of offense: MAILING OBSCENE MATTER; and FORFEITURE.

CERTIFIED COPY OF CHARGING DOCUMENT ATTACHED.

Assigned to: AUSA MARCIA HURD and AUSA BRENT D. WARD


Signature of Issuing Officer

Date: August 21, 2008

P. CLUFF, DEPUTY CLERK

Name and Title of Issuing Officer



RETURN

THIS SUMMONS WAS SERVED ON THE ABOVE-NAMED DEFENDANT AT:	
DATE OF SERVICE:	Dwight MacKay UNITED STATES MARSHAL
RETURNED ON:	
BY: DEPUTY U.S. MARSHAL	