



U.S. Department of Justice

Criminal Division

Child Exploitation and Obscenity Section

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August 20, 2008

The Honorable Vaughn R. Walker
Chief Judge, United States District Court
Northern District of California
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

Re: United States v. Bernard Ward, CR 07-0602 VRW

Dear Judge Walker:

On May 8, 2008, defendant Bernard Ward pleaded guilty to one violation of 18 U.S.C. § 2252A(a)(2)(distribution of child pornography). Defendant is scheduled to be sentenced by this Court on August 28, 2008.

In anticipation of sentencing, the United States respectfully requests that this Court review the images that defendant saved and stored on his computer and that form the basis of this prosecution. While undoubtedly appropriate in all cases involving child pornography, this Court's review of the images is especially critical in this case. The photographs found on defendant's computer include child pornography of the most egregious kind. This Court will ultimately sentence defendant based on "the nature and circumstances of the offense and the history and characteristics of the defendant." 18 U.S.C. § 3553(a); *Gall v. United States*, 128 S. Ct. 587, 596 n.6 (2007). Given the range of material that potentially falls within the ambit of 18 U.S.C. § 2252(a), the United States respectfully suggests that the nature of the offense in this case cannot be assessed without having reviewed at least some of the images found on defendant's computer.

The United States would of course arrange for a place and time for the images to be viewed at the Court's convenience.

Very truly yours,

ANDREW G. OOSTERBAAN
Chief

/s/ Steven J. Grocki
STEVEN J. GROCKI
Trial Attorney

/s/ Michael I. Yoon
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cc: Doron Weinberg, Defense Counsel
Adrienne Sparrow, F.B.I.