

FILED

MAR 22 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
GARY E. PEEL,)
)
Defendant.)

CRIMINAL NO. 06-30049-DRH
Title 18
United States Code,
Sections 152(6), 1512(c)(2),
and 2252A(a)(5)(B).

INDICTMENT

THE GRAND JURY CHARGES:

1. In 1974, **GARY PEEL**, took sexually explicit photographs of his then-wife's 16 year old sister, D.R. **GARY PEEL** retained these pictures until 2006.
2. In November of 2003, **GARY PEEL** and his wife divorced and a state court settlement was entered in which **GARY PEEL** was required to meet certain financial obligations to his ex-wife.
3. In July of 2005, **GARY PEEL** filed for bankruptcy in United States Bankruptcy Court, Southern District of Illinois (East Saint Louis), Bankruptcy Petition #: 05-33238. Such filing caused state court proceedings to be stayed pending resolution of the Federal Bankruptcy proceedings. In the bankruptcy action, **GARY PEEL** sought discharge of financial obligations to his ex-wife, whom he listed as a creditor. **GARY PEEL's** ex-wife opposed the discharge. Both **GARY PEEL** and his ex-wife were represented by respective counsel in the bankruptcy action. The bankruptcy action was brought under Title 11 of the United States Code.
4. On January 20, 2006, **GARY PEEL** telephoned his ex-wife and informed her that he had a sexual relationship with his ex-wife's sister, D.R., during the marriage. **GARY PEEL**

further informed his ex-wife that he had taken pictures of D.R. that he referred to as “sexually explicit.” **GARY PEEL** informed his ex-wife that a copy of the pictures would be found in her mailbox at her residence. **GARY PEEL** informed his ex-wife that if she did not abandon the bankruptcy challenge, cease in her attempts to depose **GARY PEEL**’s current wife, and agree to a new financial settlement, he would mail the pictures of D.R. to his ex-wife’s parents.

5. On January 20, 2006, **GARY PEEL**’s ex-wife retrieved from her mailbox a one-sheet color copy of four color photographs. Such photographs depicted D.R. naked and in various poses, including a lascivious display of the genitals and pubic area of D.R.

6. In cooperation with law enforcement, **GARY PEEL**’s ex-wife placed telephone calls to **GARY PEEL**. In said telephone calls and in cooperation with law enforcement, **GARY PEEL**’s ex-wife appeared to succumb to **GARY PEEL**’s demand to forego the bankruptcy challenge and to consider a new settlement agreement. In said telephone calls **GARY PEEL**’s ex-wife repeatedly told **GARY PEEL** that she would not be discussing a settlement with **GARY PEEL** if it were not for the photographs of her sister and **GARY PEEL**’s threats to mail the photographs to her parents. In said telephone calls, **GARY PEEL**’s ex-wife told **GARY PEEL** that she did not want her attorneys to see the pictures. **GARY PEEL** counseled his ex-wife that if the existence of the pictures were disclosed to her attorneys that they would request copies, that there would be court orders for production and that “it begins to get more visible.”

7. In cooperation with law enforcement, **GARY PEEL**’s ex-wife told **GARY PEEL** that she wanted assurances that the originals would be turned over to her if she signed a new settlement agreement. **GARY PEEL** agreed to meet his ex-wife on January 31, 2006, and at such meeting did show his ex-wife original photographs of D.R. Such photographs were then placed in

a sealed envelope and **GARY PEEL** and his ex-wife signed across the sealed portion. **GARY PEEL** explained that he would provide his ex-wife with the envelope containing the photographs after his ex-wife signed a new settlement agreement. At the conclusion of the meeting, agents of Federal Bureau of Investigation retrieved the envelope and original photographs from the person of **GARY PEEL**. Such photographs depicted D.R. naked and in various poses, including a lascivious display of the genitals and pubic area of D.R.

8. On January 31, 2006, agents of the Federal Bureau of Investigation retrieved from the waste basket in **GARY PEEL**'s office at his place of employment, two additional one-page color copies of color photographs of D.R. Each of the two copies contained the same four pictures of D.R. as contained in the color copy that **GARY PEEL** had placed in his ex-wife's mailbox. These two copies had been torn into a number of pieces.

9. On January 31, 2006, agents of the Federal Bureau of Investigation retrieved a Hewlett Packard multi-function, color printer/scanner/copier from the residence of **GARY PEEL**. Agents of the Federal Bureau of Investigation learned that this Hewlett Packard printer was manufactured outside of the State of Illinois. Agents of the Federal Bureau of Investigation learned that the paper copies of the photographs of D.R. were produced on paper that was manufactured outside of the State of Illinois. Agents of the Federal Bureau of Investigation learned that the original photographs of D.R. were produced on materials that had been manufactured outside of the State of Illinois.

COUNT 1

Bankruptcy Fraud

Paragraphs 1 through 9 are incorporated and re-alleged as part of Count 1.

Between on or about January 20, 2006, and on or about January 31, 2006, within St. Clair County, within the Southern District of Illinois,

GARY PEEL,

defendant herein, did knowingly and fraudulently give, offer, receive, and attempt to obtain money and property, remuneration, compensation, reward, advantage, and promise thereof for acting and forbearing to act in a case under Title 11; all in violation of Title 18, United States Code, Section 152(6).

COUNT 2

Obstruction of Justice

Paragraphs 1 through 9 are incorporated and re-alleged as part of Count 2.

Between on or about January 20, 2006, and on or about January 31, 2006, within St. Clair County, within the Southern District of Illinois,

GARY PEEL,

defendant herein, did knowingly and corruptly attempt to obstruct, influence, and impede an official proceeding; all in violation of Title 18, United States Code, Section 1512(c)(2).

COUNT 3

Possession of Child Pornography

Paragraphs 1 through 9 are incorporated and re-alleged as part of Count 3.

On or about January 20, 2006, within St. Clair County, within the Southern District of Illinois,

GARY PEEL,

defendant herein, did knowingly possess material that contains an image of child pornography that was produced using materials that have been mailed and shipped and transported in interstate and

foreign commerce, namely a color paper copy containing images of D.R. that was placed in the mailbox of Gary Peel's ex-wife; all in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT 4

Possession of Child Pornography

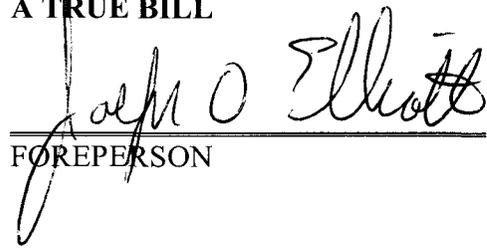
Paragraphs 1 through 9 are incorporated and re-alleged as part of Count 4.

On or about January 31, 2006, within St. Clair County, within the Southern District of Illinois,

GARY PEEL,

defendant herein, did knowingly possess material that contains an image of child pornography that was produced using materials that have been mailed and shipped and transported in interstate and foreign commerce, namely a color photograph of D.R. that was located on the person of Gary Peel; all in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

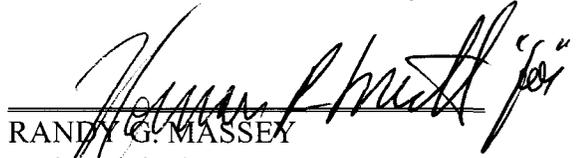
A TRUE BILL



FOREPERSON



KEVIN F. BURKE
Assistant United States Attorney



RANDY G. MASSEY
Acting United States Attorney

Recommended Bond: \$10,000.00