

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States v. Knowlton

No. 19-41042, United States Court of Appeals for the Fifth Circuit (April 1, 2021)

SUMMARY

The Fifth Circuit held that computer files containing digital images and videos of child pornography constitute "material that contains child pornography" under 18 U.S.C. § 2252A(a)(2)(B), rejecting the argument that only tangible storage media qualify. The court also found no material variance between the indictment's "on or about" dates and the evidence of receipt, as a two-and-a-half-month variance was within acceptable bounds. The conviction for receipt of child pornography was affirmed.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Jennifer Walker Elrod; Don R. Willett; Kurt D. Engelhardt
JURISDICTION	Federal
DECIDED	April 1, 2021
DOCKET	19-41042
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from conviction after bench trial for receipt of child pornography.
STANDARD OF REVIEW	For sufficiency of the evidence in a bench trial, the court reviews whether the finding is supported by substantial evidence. For legal questions of statutory interpretation, de novo review applies. For arguments raised for the first time on appeal, plain error review applies. The court assumed de novo review because the argument fails even under that standard.
PRECEDENTIAL VALUE	Published
PARTIES	John David Knowlton v. United States of America

TOPICS

- criminal procedure
- statutory interpretation
- plain meaning rule
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether computer files downloaded from a peer-to-peer network constitute 'material that contains child pornography' under 18 U.S.C. § 2252A(a)(2)(B).
2. Whether the dates of receipt proven at trial materially varied from the dates alleged in the indictment.

KEY QUOTATIONS

"A computer file is 'material' because it—as 'the basic unit of storage'—can be 'a medium containing images of child pornography.' United States v. Woerner, 709 F.3d 527, 540 (5th Cir. 2013); File, Microsoft Computer Dictionary 211 (5th ed. 2002)." (5)

"Receipt of pornographic computer files is properly chargeable as receipt of material containing child pornography under § 2252A(a)(2)(B)." (5-6)

"When the evidence at trial varies from the facts alleged in an indictment, the question is whether the defendant was fairly put on notice to defend himself." (7)

FACTUAL BACKGROUND

Knowlton possessed 3,469 images and 249 videos of child pornography on various devices in his house. He downloaded files from a peer-to-peer file sharing network, using search terms indicative of child pornography. Law enforcement officers searched his home after discovering that two videos of child pornography had been downloaded to an IP address associated with his home address. Knowlton admitted to downloading and viewing child pornography but claimed he did not see it as illegal.

PROCEDURAL HISTORY

Knowlton was indicted on two counts: receipt of material containing child pornography (18 U.S.C. § 2252A(a)(2)(B)) and possession of child pornography (18 U.S.C. § 2252A(a)(5)(B)). He requested a bench trial and pleaded not guilty. The district court found him guilty on both counts and sentenced him to 144 months for receipt and 120 months for possession, concurrent. Knowlton appealed only the receipt conviction.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

Remand for the district court to correct a clerical error in the judgment, which mistakenly indicated that Knowlton pleaded guilty instead of being found guilty after a bench trial.

INSTRUCTIONS FOR AN AI ASSISTANT

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