



**DEPARTMENT OF JUSTICE**

**United States Attorney Randolph J. Seiler  
District of South Dakota**

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FOR IMMEDIATE RELEASE  
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CONTACT: Ace Crawford  
Phone: 605-341-1915

**Bismarck Man Sentenced for Receipt of Child Pornography  
in the District of North Dakota**

United States Attorney Randolph J. Seiler announced that a Bismarck, North Dakota, man convicted of Receipt of Images Depicting the Sexual Exploitation of Minors, was sentenced on May 17, 2017, by U.S. District Judge Ralph R. Erickson, in Fargo, North Dakota.

Michael David Rivera, age 30, was sentenced to 7 years in custody, 5 years of supervised release, a \$100 special assessment to the Federal Crime Victims Fund, and a \$2,500 special assessment to the Domestic Trafficking Victims' Fund.

Rivera was indicted by a North Dakota grand jury on October 6, 2016. The U.S. Attorney's Office, District of South Dakota, handled prosecution of the case after the U.S. Attorney's Office, District of North Dakota, recused itself from the matter. Rivera pled guilty on January 26, 2017.

“It is appropriate that this former federal law enforcement officer faced a federal judge in North Dakota for his offenses. This case proves that no one is above the law, including those federal officers who have previously sworn an oath to protect and serve our nation,” said Seiler. “Here, the U.S. Attorney’s Office for the District of North Dakota followed approved Department of Justice procedures to resolve any conflict or the appearance of impropriety it might have had, based upon its prior work alongside this disgraced officer. Appropriate steps were taken, as is done in every case, regardless of who the defendant is, to see that justice is done.” Seiler also commended the federal judiciary in Bismarck, which took steps to transfer the case to Fargo, since Rivera had a working relationship with courthouse employees in Bismarck.

The charge stems from the following facts:

In June 2016, Bismarck and other North Dakota state and federal law enforcement officers learned that Rivera, then a Deputy U.S. Marshal who worked at the federal courthouse in Bismarck, had been surreptitiously recording a variety of women, including juveniles, while they were in fitting rooms or in other parts of area stores. Some of the surreptitious recordings captured women and minors in various states of undress while they were in fitting rooms provided by local stores. Officers obtained search warrants to search Rivera’s Bismarck apartment, his vehicle parked at the federal courthouse in Bismarck, and his person, and to particularly look at any digital or computer media found at those locations. At his apartment, officers seized a computer that was password protected. Rivera was arrested on state charges related to the

surreptitious recording of the adult and juvenile females, which were separately handled by in state court by authorities in Burleigh County, North Dakota.

Officers searched Rivera's computer and found downloaded videos and images, including 36 or more pictures of child pornography and 52 or more videos of child pornography. A review of some of the downloaded videos, as a brief sample, included the sexual abuse of children, including toddlers and other children in the age range of 6 to 11. About 52 child pornography files, including mostly videos, were found in a user directory labeled "Michael" on Rivera's computer.

The search also revealed artifacts in bookmarks, cache records, web history, and web visits. Some of those internet artifacts are commonly associated with child pornography and voyeur search artifacts. Internet access logs on the computer indicate some of the child pornography was received and accessed by Rivera between April 2016 and June 2016, in the District of North Dakota. The internet was used by Rivera to access visual depictions of minors engaging in sexually explicit conduct.

Rivera no longer is employed with U.S. Marshals Service.

The investigation was conducted by the Department of Homeland Security Homeland Security Investigations, Bismarck Police Department, North Dakota Crime Bureau's Internet Crimes Against Children Task Force, and the Office of the Inspector General for the U.S. Department of Justice. Assistant U.S. Attorney Tim Maher is prosecuting the case on behalf of the U.S. Attorney General and U.S. Attorney Seiler. Based upon the request of the parties, Rivera

was remanded back to state authorities to face his state court sentencing later this summer.

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