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## **Convicted Child Porn Collector in Portales Only Facing 18 Months Due to Child Pornography Loophole**

*Portales, NM* - Another man charged with possession of child pornography was convicted today by a Portales, New Mexico jury. As with other convicted New Mexico child pornographers, Robert Hawkins faced only a fraction of the charges prosecutors believed they should be able to sustain and faces only a fraction of the criminal sentence prosecutors believe is appropriate, given the magnitude of the crimes documented by investigators. Hawkins, 25, was convicted of one count of possession of child pornography despite possessing thousands of child porn images. He faces a sentence of 18 months at most and must register as a sex offender.

In 2012, investigators with the Internet Crimes Against Children Task Force discovered that Hawkins possessed literally thousands of pornographic videos and images of children. Prosecutors with the 9<sup>th</sup> Judicial District Attorney's Office were confident they could sustain at least 27 counts of possession against Hawkins. A 2014 New Mexico Supreme Court opinion allows prosecution for only a single count of possession --a fourth degree felony-- to be brought against Hawkins.

“We continue to collect evidence of thousands of crimes against children who are exploited by pornographers in New Mexico,” said Attorney General Hector Balderas, “But because New Mexico’s law needs clarification from the legislature, we cannot make the punishment fit the crime. I continue to call upon the legislature and the governor to work with me to allow courts to impose serious time for such horrendous crimes.”

The New Mexico Supreme Court determined that the language of the state’s Sexual Exploitation of Children law needs clarification as to the “unit of prosecution” allowed, clarifying whether each depiction of a child engaged in a prohibited sexual act can be charged as a separate crime. A clarifying amendment unanimously passed the state House of Representatives, but the legislature ended without amending the law to correct the problems identified by the Court. Attorney General Hector Balderas has requested that Governor Susana Martinez consider the legislation as a priority for the next legislative session in January.

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