



Department of Justice

**United States Attorney Melinda Haag
Northern District of California**

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MARIN MAN SENTENCED TO 96 MONTHS FOR POSSESSION OF CHILD PORNOGRAPHY

San Rafael Psychologist and Founder of Independent Learning Schools Ordered to Pay \$50,000 to National Center for Missing and Exploited Children

SAN FRANCISCO - Donald Tosti was sentenced Feb. 2, 2012, to eight years in prison, and ordered to pay \$50,000 in restitution for possessing child pornography, United States Attorney Melinda Haag announced.

Tosti was convicted on Sept. 14, 2011, on two charges of possessing child pornography. During the trial, evidence showed that Tosti was found to possess child pornography after taking his computer to CompUSA for repair. A search of Tosti's home and office revealed a large collection of child pornography, including depictions of the rape of very young children. In sentencing Tosti, United States District Court Judge Jeffrey S. White emphasized the size of his collection, and the graphic and extreme nature of the child pornography images, as aggravating factors in imposing his sentence.

Tosti, 76, of San Rafael, Calif., was indicted by a federal grand jury on Oct. 6, 2009, with one count of possession of child pornography. A second charge was added by the grand jury on Nov. 24, 2010, based on additional child pornography found after Tosti's arrest.

The sentence was handed down by Judge White following a bench trial on two counts in violation of Title 18, United States Code, section 2252(a)(4)(B). Judge White also sentenced the defendant to a five-year period of supervised release and ordered him to pay \$50,000 in restitution to the National Center for Missing and Exploited Children. The defendant is scheduled to begin serving the sentence on April 2, 2011.

Owen Martikan is the Assistant U.S. Attorney who prosecuted the case with the assistance of Rosario Calderon. The prosecution is the result of a four-year investigation by the Federal Bureau of Investigation, with the assistance of the San Rafael Police Department.

Further Information:

Case #: CR 09-0973 JSW

A copy of this press release may be found on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Jack Gillund at (415) 436-6599 or by e-mail at Jack.Gillund@usdoj.gov.

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