
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

NATHAN ARGER

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about July 28, 2011, at Chicago, in the Northern District of Illinois, Eastern Division, NATHAN ARGER, defendant herein:

using a means or facility of interstate commerce, namely, the internet, knowingly transported and shipped and caused to be transported and shipped child pornography, as that term is defined in Title 18, United States Code, Section 2256(8)(A), namely, computer files titled, "goldi_tied+and+hanging.jpg", "vicky_bondcap37.jpg", "bondage10.jpg" and "Baby 2 -Op3.avi";

in violation of Title 18, United States Code, Section 2252A(a)(1). I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
PATRICK GEAHAN
Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

September 22, 2011 at Chicago, Illinois
Date City and State

NAN R. NOLAN, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
) ss
NORTHERN DISTRICT OF ILLINOIS)

AFFIDAVIT

I, PATRICK GEAHAN, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed for approximately seven years. My current responsibilities include the investigation of child exploitation and child pornography.

2. This affidavit is submitted in support of a criminal complaint alleging that NATHAN ARGER (“ARGER”) has violated Title 18, United States Code, Section 2252A(a)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging ARGER with distribution of child pornography, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents, and information provided by ARGER.

FACTS SUPPORTING PROBABLE CAUSE

4. On or about July 28, 2011, between approximately 10:00 am and 12:00 pm Central Daylight Time, an undercover FBI Special Agent (“UC”) in and operating out of Chicago, Illinois, and acting in an undercover capacity, signed onto an account on a Peer-to-Peer (“P2P”) network using an undercover username. The UC queried the "friends list" on

that account and observed that an individual using the screen name "Mrdizzle420" was logged into the file-sharing network.

5. The UC proceeded to browse Mrdizzle420's shared directories and observed that this user was sharing several folders of electronic files. The UC proceeded to browse these folders and, between approximately 10:51 am and 11:24 a.m. Central Daylight Time, the UC downloaded over 700 images and 12 video files directly from Mrdizzle420's computer.

6. The UC reviewed the files downloaded from Mrdizzle420's computer. Based on the UC's training and experience, the UC determined that all of the downloaded images depicted child pornography (as defined by 18 U.S.C. § 2256(8)(A)), because the images depict: (1) children engaged in sexually explicit activity with adults; and (2) the lascivious exhibition of children's genitalia. In addition, the UC recognized over 100 of the downloaded images as depicting child pornography involving known, identified child victims because in prior investigations the National Center for Missing and Exploited Children had identified these images as such. The following is a description of six of the images plus video depicting child pornography that the UC downloaded from Mrdizzle420's computer:

- a. an image depicting a prepubescent male, nude from the waist down, with the penis of an adult male inserted into his anus (file name: IMG_0078 (Custom).jpg);
- b. an image depicting a nude prepubescent female with a cat licking her vagina (file name: 1-14_cam_n-cum20a.jpg);

- c. an image depicting a nude prepubescent female, her arms bound over her head and gagged, with a foreign object inserted into her vagina (file name: goldi_tied+and+hanging.jpg);
- d. an image depicting an adult female licking the erect penis of nude prepubescent male (file name: Mom_2boys (renamed) 005.jpg);
- e. an image depicting a nude prepubescent female, bound with her legs apart and her hands over her head, with a foreign object inserted into her vagina (file name: vicky_bondcap37.jpg);
- f. an image depicting a prepubescent female, nude below the waist, with her legs bound apart, and a foreign object inserted into her vagina (file name: bondage10.jpg); and
- g. a video file, approximately 2 minutes and 22 seconds in duration, which depicts a nude female baby, approximately 1 year old, sitting nude in a bath, and crying while an adult male orally rapes her with his penis; at one point, the adult male holds the baby's arms behind her back with one of his hands to prevent her from pushing his penis away, then masturbates and ejaculates in her face (file name: Baby 2 -Op3.avi).

7. While downloading these images, the UC used a publicly-available program (CommView) that the UC has found to be reliable in other investigations, which determined that the IP address of Mrdizzle420's computer during the time of the file transfers to the UC

was 99.48.61.176. In addition, through a publicly available IP address lookup Internet program, the UC determined that the IP address 99.48.61.176. was assigned to SBC Internet.

8. On or about August 2, 2011, the UC served an administrative subpoena on SBC Internet seeking the identity of the customer assigned IP address 99.48.61.176 on or about July 28, 2011. On or about August 10, 2011, AT&T (which has merged with SBC Internet) responded on behalf of SBC Internet, and identified Individual A, an individual with the same last name as ARGER, as the customer assigned IP address 99.48.61.176, at the time the UC downloaded the above described images from Mrdizzle420. The address on Individual A's AT&T account is listed as a specific address in La Grange Park, Illinois ("Residence A"). In addition, the UC used a publicly-available service (CPClear) that the UC has found to be reliable in other investigations and which is updated on a real-time basis, and confirmed that the current owner of the Residence A is Individual A.

9. On or about August 11, 2011, using a publicly-available website (www.infospace.com) that the UC has found to be reliable in other investigations, the UC conducted a search for the telephone number provided by AT&T for Individual A and determined that the telephone number was listed to Individual A, residing at Residence A.

10. On or about August 12, 2011, a United States Postal Inspector verified that Individual A receives mail at Residence A.

EXECUTION OF THE SEARCH WARRANT AND INTERVIEW OF ARGER

11. On or about September 22, 2011, FBI agents, including myself, executed a search warrant at Residence A. Upon entering the premises, agents recovered an ET1352

eMachines desktop computer ("Desktop Computer"). Law enforcement also recovered a Netbook as well as multiple external hard-drives.

12. Law enforcement agents conducted a preliminary forensic review of the Desktop Computer and one of the hard-drives named "Western Digital Passport." During this preliminary review, law enforcement agents discovered over 1,000 images, videos and files, corresponding to approximately 160 gigabytes of child pornography and child erotica on the Western Digital Passport, including at least three of the images and the video described in paragraphs 6(c), 6(e), 6(f) and 6(g) above.

13. While at the residence, Individual A informed law enforcement that the only people living at Residence A were Individual A and ARGER, who lived in the basement of Residence A. After the residence was secured, ARGER was advised of ARGER's Miranda Rights and ARGER waived those rights in a written waiver and agreed to speak with the law enforcement agents.

14. During the interview, ARGER stated that ARGER had been using publicly available P2P file-sharing software for approximately one year to share and receive images of child-pornography. ARGER indicated that prior to using this publicly available P2P file-sharing software ARGER had also used other software to access and share images of child pornography.

15. During the interview, ARGER stated that ARGER used the username "Mrdizzle420" on publicly available P2P file-sharing software. During the interview, law enforcement agents showed ARGER five of the images which the UC downloaded from

“Mrdizzle420” on or about July 28, 2011 and ARGER admitted to having shared three of those images with other P2P file-sharing users – namely: (1) the image described at paragraph 6(c) above (file name: goldi_tied+and+hanging.jpg); (2) the image described at paragraph 6(e) above (file name: vicky_bondcap37.jpg); and (3) the image described at paragraph 6(f) above (file name: bondage10.jpg). ARGER placed his initials next to each of these images to signify these as the images that ARGER shared using the P2P software.

16. Law enforcement also located four folders on the Western Digital Passport hard-drive: (1) “Boys”; (2) “Documents” (3) “Girls” and (4) “Private”. Within the folder named “ Private,” law enforcement agents located nine sequential photographs of Victim A, a prepubescent girl wearing only a shirt and nude from the waist down. During the interview of ARGER, ARGER stated that he took these pictures of Victim A without her knowledge.

Law enforcement then reviewed the extended digital information available on the photographs of Victim A and saw that ARGER was identified as the creator of the images.

17. Also contained within the folder named “Private” were four videos of Victim B, a prepubescent girl and ARGER. In all four videos, Victim B and ARGER wrestle briefly and at some point, with Victim B laying on ARGER’s lap, ARGER spanks the, at times partially nude, bottom of Victim B. ARGER stated that ARGER is the individual depicted in the videos. ARGER also stated that Victim B was the daughter of a woman ARGER knew.

18. During the interview, ARGER stated that the focus of his child pornography collection are images of girls from the ages of 5 to 10 years old. ARGER stated that ARGER masturbates while viewing these images. ARGER also stated that despite his preference for images of young girls, ARGER maintained images of young boys for purposes of trading in the child pornography images because some users of P2P file-sharing software preferred images of young boys.

19. ARGER also told informed law enforcement agents that all of the computer and media equipment located in the basement of Residence A belonged to ARGER, including the external hard-drive Western Digital Passport, described above. During the interview, ARGER told law enforcement that the child pornography images that he possessed would be found on the Western Digital Passport hard-drive, which ARGER referred to as "My Passport." ARGER further stated that any contraband images on the external hard-drive belonged to ARGER because ARGER believed he was the only person to use the external hard-drive.

CONCLUSION

20. Based on the above information, I respectfully submit that there is probable cause to believe that NATHAN ARGER knowingly transported and shipped child pornography using a facility of interstate commerce, in violation of Title 18, United States Code, Section 2252A(a)(1).

FURTHER AFFIANT SAYETH NOT.

PATRICK GEAHAN
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me on September 22, 2011.

NAN R. NOLAN
United States Magistrate Judge