

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

UNITED STATES OF AMERICA

v.

JAMES UмбаUGH

CASE NUMBER:

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about December 18, 2018, at Machesney Park, in the Northern District of Illinois, Western Division, and elsewhere, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, United States Code, Section 2252A(a)(5)(B)	Possession of Child Pornography

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

\_\_\_\_\_  
JEREMY K. SMITH  
Special Agent, Federal Bureau of Investigation  
(FBI)

Sworn to before me and signed in my presence.

Date: December 19, 2018

\_\_\_\_\_  
*Judge's signature*

City and state: Rockford, Illinois

\_\_\_\_\_  
IAIN D. JOHNSTON, U.S. Magistrate Judge  
*Printed name and Title*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

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**AFFIDAVIT**

I, JEREMY K. SMITH, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation. I have been so employed since approximately 2017. 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 James Umbaugh has violated Title 18, United States Code, Section 2252A(a)(5)(B). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging James Umbaugh with possession 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, personal observations, and information provided to me by other law enforcement agents.

4. On December 18, 2018, I participated in the execution of a search warrant issued in the Northern District of Illinois District Court, Western Division, case number 18 M 42, for the search of the premises located at 215 Judy Court, Machesney Park, Illinois. 215 Judy Court is a single-family three bedroom residence.

5. Another FBI Special Agent and I were the first to enter the premises. The door enters into a small entry area that has two points of egress. One is to the garage and the other is up a short staircase. The top of the stairs enters into a room that has a kitchen-type table. The room adjoins another room that has a fireplace. It traditionally may serve as a "living room." At the top of the stairs I observed James Umbaugh seated before a computer screen in the fireplace room. The screen was on and information on the screen was plainly visible.

6. The screen was connected to a computer tower that appeared to have been constructed of components including three hard drives. Two of the hard drives had tags that stated they were made in China. The third hard drive had a tag that stated it was made in Taiwan. The three hard drives had serial numbers of 6PT0D5EE, WCC6Y4HLN8PH, and HN3UN8LH.

7. Law enforcement personnel with experience and specialized knowledge in computer forensics conducted a partial, preliminary review of information contained on the hard drives.

8. I observed the following results from the partial, preliminary review:

a. Four images were located in a folder. The images depicted the following:

i. What appears to be a prepubescent female performing oral sex on what appeared to be an adult male.

ii. What appears to be two prepubescent females in which one is performing oral sex on the other.

iii. What appears to be a prepubescent female with the focal point of the picture being her genitalia. The genitalia appeared to be covered in some type of lubricant.

iv. What appears to be a prepubescent female under water in a pool in which the focal point of the image is the female's genital area.

b. Two videos were located in a folder. The videos depicted the following:

i. What appeared to be two prepubescent females engaged in various clothed, partially clothed, and naked activity including one or both of the prepubescent females being bound by the wrists and ankles, kissing each other's bodies, and a close-up of one of the females spreading the genitalia of the other female.

ii. What appears to be a prepubescent female inserting a device into her vagina. The device has what appears to be a cord for a remote control.

6. I was advised on December 13, 2018, by an employee of the United States Postal Service that James Umbaugh and another individual receive mail at 215 Judy Court, Machesney Park, Illinois. I was advised on December 15, 2018 that a third individual also receives mail at 215 Judy Court, Machesney Park, Illinois.

9. Of the three persons identified as receiving mail at 215 Judy Court, Machesney Park, Illinois, only James Umbaugh was present at the time the search warrant was executed on December 18, 2018.

10. A previously unidentified individual was also present inside the premises at the time that the search warrant was executed. He was preliminarily interviewed and stated that he was staying at the premises. He stated that the room that James Umbaugh used contained a fireplace. The only room in the premises that had a fireplace was the same room in which Umbaugh and the computer were located at the beginning of the search.

11. Discovered in the piece of furniture on which the computer described above was situated, was a small black bag that contained correspondence addressed to James Umbaugh and related to his status as a sex offender. Also in the piece of furniture was a thumb drive. Preliminary examination of the thumb drive revealed the presence of nude pictures of James Umbaugh. Also in the room with the fireplace was a couch bed that was made up for sleeping. There were also articles of male clothing in the room. Also in the room was an envelope addressed to James Umbaugh that contained a receipt.

12. James Umbaugh was convicted of transportation of child pornography in violation of 18 U.S.C. Section 2252A(a)(1) in case no. 02CR0700 in the United States District Court for the Northern District of Illinois, Eastern Division. Individual A was sentenced on March 13, 2003, to 51 months in prison.

FURTHER AFFIANT SAYETH NOT.

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JEREMY K. SMITH  
Special Agent, Federal Bureau of  
Investigation

SUBSCRIBED AND SWORN to before me on December 19, 2018.

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IAIN D. JOHNSTON  
United States Magistrate Judge