

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

HUGH B. FOWLER

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 January 24, 2019, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant(s) violated:

Code Section

Title 18, United States Code, Section
2251(a)

Offense Description

knowingly employed, used, persuaded, induced, and enticed a minor, namely Victim A, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction defendant knew and had reason to know would be transported and transmitted using any means and facility of interstate and foreign commerce, and which visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

EDWARD AUGUSTUS GOODMAN

Special Agent, Federal Bureau of Investigation
(FBI)

Sworn to before me and signed in my presence.

Date: February 12, 2020

Judge's signature

City and state: Chicago, Illinois

SIDNEY I. SCHENKIER, U.S. Magistrate Judge

Printed name and Title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, EDWARD AUGUSTUS GOODMAN, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since approximately June 2010. My current responsibilities include the investigation of child exploitation and child pornography offenses.

2. I have received training in the area of child pornography and child exploitation, and I have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in multiple forms of media, including computer media. I have also participated in the execution of multiple federal search warrants, many of which involved child exploitation and/or child pornography offenses.

3. This affidavit is submitted in support of a criminal complaint alleging that HUGH B. FOWLER has violated Title 18, United States Code, Section 2251(a). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging FOWLER with sexual exploitation of a minor, 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.

4. This affidavit is based on my personal knowledge, information provided to me by other law enforcement officers, and third party witnesses.

I. FACTS SUPPORTING PROBABLE CAUSE

A. Overview of the Charge

5. In summary, FOWLER, a 62-year-old male, used the text messaging application WhatsApp to persuade and entice a 16-year old victim (“Victim A”) to engage in sexually explicit conduct for the purpose of producing child pornography in violation of Title 18, United States Code, Section 2251(a). Specifically, as described more fully below, FOWLER used WhatsApp to request and receive videos depicting the genitalia of Victim A. FOWLER engaged in electronic conversations with Victim A where he persuaded and enticed Victim A to send him sexually explicit videos of herself. For example, the FBI’s investigation has revealed that, on or about January 24, 2019, Victim A created a sexually explicit video of herself at FOWLER’s request and sent that video to FOWLER.

B. Communications Between the Fowler Phone and Victim A Phone

6. On February 14, 2019, Victim A’s mother consented to the search of the contents of Victim A’s cellular telephone (“Victim A Phone”). On February 21, 2019, I personally took custody of the Victim A Phone from another law enforcement agent and extracted the contents of the device. I found that the Victim A Phone contained communications between Victim A and the telephone number 847-XXX-3678 (“Fowler Phone”). According to Sprint, that telephone number is subscribed to FOWLER to a residence in the Northern District of Illinois. The contents of the Victim A Phone

reflect that Victim A and FOWLER exchanged communications through WhatsApp. The phone number subscribed to FOWLER is saved in the Victim A Phone under an alias name that Victim A told law enforcement that she had created for the purpose of communicating with FOWLER.

1. January 6, 2019, Text Messages Soliciting the Production of Sexually Explicit Images from Victim A

7. Victim A told law enforcement that, when Victim A spoke with FOWLER, she used alias names that I have referred to herein as “Name B” and “Name T.” Based on my review of the contents of the Victim A Phone, Victim A first referred to herself as Name B. Then, in a subsequent text message dated January 6, 2019, Victim A introduced FOWLER to a “friend” that Victim A called Name T. As stated in the text messages that appear below, Victim A told FOWLER that Name T did not have her own telephone and that Name T used the Victim A Phone. Victim A told law enforcement that, when the Victim A Phone texted the Fowler Phone, the text messages had a screen name that was a variation of Victim A’s middle name.¹

Timestamp	From	To	Message
1/6/2019 8:01:16 PM(UTC-5)	Victim A Phone	Fowler Phone	By the way 😊 I have a friend who’s into your type a thing but she has no phone
1/6/2019 8:01:20 PM(UTC-5)	Victim A Phone	Fowler Phone	So she uses mine

¹ The first communication between Victim A and that Fowler Phone that the FBI found on the Victim A Phone is dated January 6, 2019. It appears from the first January 6, 2019 communication that Victim A and FOWLER had been introduced previously. Victim A told law enforcement that she did not use any other phone to communicate with FOWLER.

Timestamp	From	To	Message
1/6/2019 8:01:38 PM(UTC-5)	Victim A Phone	Fowler Phone	She willing to send pics□□♀
1/6/2019 8:04:14 PM(UTC-5)	Fowler Phone	Victim A Phone	I appreciate u looking out for me: but I stop spending big money right away before I get anything, because a lot of girls fool me & get away with it, so I don't make it happen anymore
1/6/2019 8:07:05 PM(UTC-5)	Victim A Phone	Fowler Phone	Get anything? 😊
1/6/2019 8:07:12 PM(UTC-5)	Fowler Phone	Victim A Phone	I don't understand take that first Money & Run which it's not going to last forever□ It's better to do things the right way & end up getting more money over time without any sexual activities I'm far away
1/6/2019 8:07:34 PM(UTC-5)	Victim A Phone	Fowler Phone	Okay
1/6/2019 8:07:38 PM(UTC-5)	Victim A Phone	Fowler Phone	I'll let her know
1/6/2019 8:11:32 PM(UTC-5)	Fowler Phone	Victim A Phone	B4 I get any pics & videos I keep it real cuz i wanna get more. I love to

Timestamp	From	To	Message
			look at a young fresh body. I can't stand old woman stretch marks, belly flab, flat stretched out breast & gray hair on p---y ² □smh 🍆 □
1/6/2019 8:15:26 PM(UTC-5)	Victim A Phone	Fowler Phone	She looks good 😊😊😊
1/6/2019 8:15:39 PM(UTC-5)	Fowler Phone	Victim A Phone	Does she look good like you
1/6/2019 8:15:45 PM(UTC-5)	Victim A Phone	Fowler Phone	Should I let her send them or what?
1/6/2019 8:15:58 PM(UTC-5)	Victim A Phone	Fowler Phone	She look way better than me 😊
1/6/2019 8:15:39 PM(UTC-5)	Fowler Phone	Victim A Phone	Oh yeah she send them I'll send her some money, I like looking at young ladies 🍆 🍆 □=🍆
1/6/2019 8:18:20 PM(UTC-5)	Fowler Phone	Victim A Phone	Yes most definitely🍆
1/6/2019 8:20:00 PM(UTC-5)	Victim A Phone	Fowler Phone	Okay
1/6/2019 8:20:06 PM(UTC-5)	Fowler Phone	Victim A Phone	I like when they come one by one so I give compliment separately to each one

² Throughout this affidavit, I am omitting several letters from this word as it is offensive and obscene. FOWLER used the full word when communicating with Victim A.

Timestamp	From	To	Message
1/6/2019 8:20:25 PM(UTC-5)	Fowler Phone	Victim A Phone	What is her name?
1/6/2019 8:20:50 PM(UTC-5)	Victim A Phone	Fowler Phone	Name T
1/6/2019 8:23:47 PM(UTC-5)	Fowler Phone	Victim A Phone	Ok Name T & Hugh can b friends to make me come to JAM soon
1/6/2019 8:38:09 PM(UTC-5)	Victim A Phone	Fowler Phone	Okay
1/6/2019 8:38:18 PM(UTC-5)	Victim A Phone	Fowler Phone	I'll let her send the pictures tomorrow
1/6/2019 8:38:21 PM(UTC-5)	Fowler Phone	Victim A Phone	Can she pick up money her self?
1/6/2019 8:38:50 PM(UTC-5)	Fowler Phone	Victim A Phone	Okay sounds good
1/6/2019 8:39:07 PM(UTC-5)	Victim A Phone	Fowler Phone	No, her brother
1/6/2019 8:39:52 PM(UTC-5)	Fowler Phone	Victim A Phone	Everything go well u will get a tip too
1/6/2019 8:40:02 PM(UTC-5)	Victim A Phone	Fowler Phone	Okay 😊

8. As described above, in a text message dated January 6, 2019, at approximately 8:23 p.m. (UTC-5), FOWLER appears to refer to himself as “Hugh” when he states, “Name T & Hugh can b friends to make me come to JAM soon.”

2. January 9, 2019, Communications from FOWLER Soliciting the Production of Sexually Explicit Images

9. On January 9, 2019, at approximately 7:54 and 7:55 a.m. (UTC-5), FOWLER sent text messages to the Victim A Phone describing how Name T should

verify the authenticity of the videos or images she makes for him. FOWLER stated, “Hey Name B don’t forget to talk to Name T for me, she’s supposed to put my name on her body.” FOWLER also stated, “I don’t want her to fool me like some other girls did. They do stupid stuff taking pictures off the internet.”

10. On January 9, 2019, at approximately 4:11 p.m. (UTC-5), FOWLER texted the Victim A Phone a screenshot of a conversation that FOWLER had with an unknown female. The screenshot contains two images. The first image depicts the unknown female bending over in front of the camera with the comment, “mi take all mi clothes off fi yo.” The second image contained in the screenshot is of a Western Union receipt and tracking number. When FOWLER texted the screenshot to Victim A, FOWLER stated, “I know she’s not making video but u can still show her. I really send money to JAM. U can c the receipt right as that girl send strip naked naked video dancing I give her TK# to go to Western Union.” About a minute later, the Fowler Phone texted the Victim A Phone a message stating, “Open the screenshot so SHE can c the receipt👉👉”

3. January 11 and 12, 2019, Directions from FOWLER Regarding the Production of a Sexually Explicit Video

a. FOWLER’s Instructions

11. On January 11, 2019, FOWLER sent the Victim A Phone text messages requesting that Name T send him a sexually explicit video of herself. FOWLER directed that Victim A dance in a sexually explicit way and instructed Victim A on what she should do in the video. At approximately 4:15 p.m. (UTC-5), the Fowler Phone sent a message to the Victim A Phone stating, “Tell her to write my name on

her thigh, tummy, booty or somewhere cuz that's the only way I can be sure it's really her = 📱💰👄”

12. On January 11, 2019, at approximately 7:56 p.m. (UTC-5), the Fowler Phone texted the Victim A Phone a message stating, “Ok go in Name B’s bathroom & make the video shake your titties & ass like you dancing Jamaican girls do. I will go to the phone store right now & send Name B some credit.” FOWLER then stated, “Use a marker and put the letter U above your p---y put an H on your thigh put the letter U on your ass♥” About three minutes later, the Fowler Phone sends Victim A additional instructions regarding how Victim A should produce the video, stating, “Use a bandana or handkerchief tie around your face just in case it get in the video♥ if u send it right now I send the money tonight so don’t wait until tomorrow👊 I want u to pick up the money tomorrow👊👄👄?”

b. Victim A Tells FOWLER that She is Age 16

13. On January 11, 2019, at approximately 8:11 p.m. (UTC-5), Victim A tells FOWLER that she is 16 years old. Victim A stated, “Do u know that I’m 16 and I’ve only been in their house like 5 time?” At approximately 8:27 p.m. (UTC-5), FOWLER sent the Victim A Phone a text message stating, “That is just a number don’t have anything to do with girls your age of babies already.” About one minute later, Victim A responded, “Even tho girls my age have babies that don’t mean I’m like them.”

14. That same evening, at approximately 8:29 p.m. (UTC-5), the Fowler Phone left the Victim A Phone a voice mail message stating, “I know you ain’t like them but I’m just saying what the age have to do with it? Nothing at all. Shit, you

could been 12, you coulda been, it doesn't matter. You coulda been 24. You coulda been 48. It don't matter."

c. Payment Records

15. On January 11, 2019, at approximately 10:32 p.m. (UTC-5), FOWLER sent the Victim A Phone an image of a receipt stating, "Thank you. Your purchase was successful and your International Mobile Number has been recharged." The texted image reflects that, on January 11, 2019, at approximately 10:13 p.m. (UTC-5), an individual added \$1,262.20 in Jamaican dollars of credit to the call number of the Victim A Phone. The receipt identifies the sender of the funds as telephone number 847-XXX-3678, the call number subscribed to Fowler and used by the Fowler Phone.

16. On January 12, 2019, at approximately 8:38 a.m. (UTC-5), FOWLER sent the Victim A Phone a text message stating, "😏 & I still want the video like your dancing for 1 song that's 3:min shaking your ass & titties & skin-out your p---y." At approximately 9:09 a.m. (UTC-5), FOWLER sent the Victim A Phone a text message stating, "Name T please make the 3-minute video and Shake Your Ass and Titties when the light is bright like that I will go and send the money immediately."

17. During the evening of January 12, 2019, at approximately 8:56 p.m. (UTC-5), FOWLER sent the Victim A Phone an image of a Western Union receipt for the payment of \$110.00 USD (14,243.80 JMD) with the title "Hey lucky girl I run a little later then I said but its been send." A portion of the Western Union tracking number is covered by images of heart emojis. The receipt states that the name of the

sender of the funds is “Hugh B F” using the telephone number 847-XXX-3678, the call number subscribed to FOWLER.

18. The Western Union receipt identifies the recipient of the funds as Individual C. In communications between Victim A and FOWLER, Victim A refers to a person with the same first name as Individual C as Name T’s cousin. Text messages between FOWLER and Victim A discuss that FOWLER intended to wire money to Individual C’s attention, and that Individual C would collect the money on behalf of Individual A.³

19. Based on my review of the Western Union receipt, it appears that the original image of the Western Union receipt that FOWLER texted to Victim A had been altered, and that someone had superimposed a different tracking number and transaction details on the image of the original receipt. The tracking number and the details of the transaction do not match the font or the legibility of the rest of the receipt. Western Union has not located a money transfer associated with the partial tracking number depicted on the image of the receipt that FOWLER texted to Victim A.

³ A text message from the Victim A Phone to the Fowler Phone dated January 12, 2019, at approximately 10:38 a.m. (UTC-5), stated, “Individual C he’ll collect it at Highgate.” In another text message dated January 21, 2019, at approximately 7:51 p.m. (UTC-5), FOWLER stated, “Yeah because I just wanna say finally thanks you got it right & everything & it look classy sexy beautiful! I just wanna tex, give Individual C these # to pick up your money tomorrow!?”

4. FOWLER Directs the Production of Video 1

20. On January 17, 2019, at approximately 6:35 p.m. (UTC-5), FOWLER sent a text message to the Victim A Phone asking Victim A for a sexually explicit video. The contents of FOWLER's text message indicate that Victim A had sent FOWLER a video previously, and FOWLER gives Victim A instructions describing what Victim A should do differently the next time she creates a video for him. FOWLER's text message stated:

I would like music if possible. Start out in sexy clothes or panty & bra. Dance or wine sexy I like when hands was on the wall shaking ass. At that time been over skin out let me see p---y from the back shaking ass. Don't use paper put (H) on inner thigh, & (U) by p---y. Say to my baby Hugh instead of this is Name T. Make sure skin-out good from & back. It's better if the video is longer than short. I see her face 2 times in the last video so don't make hiding face messed it up. She can let down her fake are also that will make it look sexy too. I've been READY to give her this # to take care of her business.

21. According to the FBI's review of the contents of the Victim A Phone, on January 19, 2019, the Victim A Phone sent a sexually explicit video to the Fowler Phone on January 19, 2019, at approximately 11:08 a.m. (UTC-5) ("Video 1"). The Victim A Phone sent Video 1 to the Fowler Phone through WhatsApp. The video is approximately 2 minutes and 16 seconds in length, and Video 1 depicts Victim A dancing for the camera without wearing any clothing, and her genitalia is exposed. Victim A also wrote the letter "U" on her hand in black marker.

5. FOWLER Directs the Production of Video 2

22. On January 21, 2019, FOWLER sent the Victim A Phone additional instructions for the production of sexually explicit images. Text messages between FOWLER and the Victim A Phone appear below.

Timestamp	From	To	Message
1/21/2019 6:22:12 PM(UTC-5)	Fowler Phone	Victim A Phone	Hello sexy Name T
1/21/2019 6:23:34 PM(UTC-5)	Fowler Phone	Victim A Phone	Name T where r u?
1/21/2019 6:42:19 PM(UTC-5)	Victim A Phone	Fowler Phone	Before I listen to that I'm going to tell u this I'm only going to write u or h on my palm or hand not on my thigh or p---y And Name B space is low so I don't know how long it will record for
1/21/2019 6:43:52 PM(UTC-5)	Fowler Phone	Victim A Phone	Why can't you write it on your trip your ass or by your p---y
1/21/2019 6:45:15 PM(UTC-5)	Victim A Phone	Fowler Phone	Because I don't like marking my skin, so if u have a problem with that tell me now so I don't waste my time

23. According to the FBI's review of the contents of the Victim A Phone, on January 24, 2019, at approximately 12:34 p.m. (UTC-5), Victim A sent FOWLER a second sexually explicit video of herself ("Video 2"). Video 2 is approximately 2 minutes and twenty-nine seconds long. Victim A sent the Fowler Phone Video 2 through WhatsApp. In Video 2, Victim A is dancing for the camera without wearing any clothing, and her genitalia is exposed. The letter "H" is written on Victim A's bare stomach. Victim A sent FOWLER Video 2 along with a text message stating, "Hey boo Hugh, I hope u like this video and send the numbers cz u tried to put everything in the video but the time is short cz the phone has no space."

24. During the evening of January 24, 2019, at approximately 7:57 p.m. (UTC-5), FOWLER texted the Victim A Phone a message stating, "Hey Name B video just just arrived." About thirty minutes later, at approximately 8:35 p.m. (UTC-5), FOWLER sent a text message to Victim A stating, "I like most of what she did thanks for putting H letting down hair & say my name 🍷"

C. FOWLER was the User of the Fowler Phone

25. As described above, records that the FBI obtained from Sprint show that telephone number 847-XXX-3678 is subscribed to FOWLER. The telephone assigned to call number 847-XXX-3678 is a Samsung L720 phone. An open source search for Samsung L720 results in a Samsung Galaxy S4. According to Sprint subscriber records, FOWLER activated the Fowler Phone in 2013, and the Fowler Phone is the only phone registered to FOWLER's Sprint account. FOWLER has not changed his phone number since 2013.

26. The FBI's forensic analysis of the Victim A Phone reflects that, on January 26, 2019, at approximately 2:22 p.m. (UTC-5), the Fowler Phone texted a photograph of a male individual to the Victim A Phone. The photograph was not accompanied by any text.

27. I have compared the photograph of the male individual that the Fowler Phone texted to Victim A on January 26, 2019, to FOWLER's Illinois State driver's license photograph. I believe that FOWLER is the male individual depicted in the photograph that the Fowler Phone texted to the Victim A Phone. The individual depicted in the January 26, 2019 photograph that the Fowler Phone texted to the Victim A Phone has similar facial features as FOWLER, and both individuals have a similar shape and style of beard and goatee.

28. In addition, in a text message to Victim A dated January 26, 2019, at approximately 8:03 p.m. (UTC-5), FOWLER stated that he worked for Company A. On March 23, 2019, the FBI spoke with an employee at Company B, a business that had acquired Company A. The employee told the FBI that FOWLER previously worked for Company A but has not been on the premises for almost fifteen years.

29. Records that law enforcement obtained from WhatsApp state that the Fowler Phone began using WhatsApp on November 6, 2014, and that the subscriber most recently used WhatsApp on January 7, 2020. WhatsApp identified the phone associated with the WhatsApp account as model "samsung jfltespr." Open source searches for model "samsung jfltespr" identify this type of phone as a Samsung Galaxy S4, the same model of cellular phone that open source searches also identify

as a Samsung L720, which, according to Sprint, is the type of device registered to FOWLER.

30. In addition, when FOWLER communicated with Victim A, FOWLER stated on multiple occasions that he was located in Chicago. On January 19, 2019, at approximately 11:46 a.m. (UTC-5), FOWLER sent a text message to Victim A stating, “Name B tell your friend you texting with your Chicago BF.” On January 25, 2019, at approximately 8:13 a.m. (UTC-5), FOWLER sent a text message to Victim A stating, “Hey I getting late and wake up late it’s 7:13 in Chicago.” The last known address that law enforcement has located for FOWLER is in the Chicago metropolitan area.

D. Law Enforcement’s Interview of Victim A

31. On May 22, 2019, law enforcement interviewed Victim A at her place of residence outside of the United States. I attended Victim A’s interview. Victim A told law enforcement that she was 16 years old on the date of her interview. In addition, Individual B provided the FBI with a copy of Victim A’s birth certificate. The date of birth identified on Victim A’s birth certificate reflects that Victim A was age 16 when FOWLER produced the sexually explicit Videos 1 and 2 dated January 19 and 24, 2019, respectively.

32. Victim A stated that Individual D had introduced Victim A to a person named “Hugh.” As described herein, through its investigation, law enforcement has determined that “Hugh” is FOWLER. Victim A stated that, in December 2018, Individual D gave FOWLER Victim A’s cellular phone number. Victim A told law

enforcement that she did not know “Hugh’s” telephone number and used the text messaging application WhatsApp to communicate with FOWLER. Victim A stated that she used the alias names referred to herein as Name B and Name T when speaking to FOWLER.

33. Victim A told law enforcement that, when she first began communicating with FOWLER, she told FOWLER that her name was Name B and that she was 16 years old. Law enforcement discussed with Victim A a screenshot that the FBI had created of Video 2 for the purpose of Victim A’s interview. Victim A told law enforcement that she made Video 2 at FOWLER’s request.

II. CONCLUSION

34. Based on the above information, there is probable cause to believe that FOWLER knowingly employed, used, persuaded, induced, and enticed a minor, namely Victim A, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction defendant knew and had reason to know would be transported and transmitted using any means and facility of interstate and foreign commerce, and which visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce.

FURTHER AFFIANT SAYETH NOT.

EDWARD AUGUSTUS GOODMAN
Special Agent, Federal Bureau of
Investigation

SUBSCRIBED AND SWORN to before me on February 12, 2020.

Sidney I. Schenkier
United States Magistrate Judge