

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

FILED

MAR 31 2010

United States of America  
v.  
James Edward Corbitt

Case No. MAG-10-067

Defendant(s)

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 the date(s) of Oct. 28, 2009 until March 31, 2010 in the county of Jefferson in the Northern District of Alabama, the defendant(s) violated:

Code Section  
18 U.S.C. 2252A

Offense Description  
Possession and receipt of child pornography

This criminal complaint is based on these facts:

See attached Affidavit.

Continued on the attached sheet.



Complainant's signature

Jeffrey E. Fuqua, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/31/2010



Judge's signature

City and state: Birmingham, AL

Robert R. Armstrong, Jr., Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF  
CRIMINAL COMPLAINT**

I, Jeffrey E. Fuqua, a Special Agent (SA) with the Federal Bureau of Investigation, being duly sworn, depose and state as follows:

**Introduction**

1. I have been employed as a Special Agent of the FBI since January 2002 and am currently assigned to the Cyber Crime Squad in Birmingham, Alabama. While employed by the FBI, I have investigated federal criminal violations related to high technology or cyber crime, child exploitation, and child pornography. Specifically, I have conducted investigations concerning the production, possession, and distribution of child pornography since being assigned to the Cyber Crime Squad in November, 2008. I have gained experience through training at the FBI and everyday work relating to conducting these types of investigations.

2. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

3. I am investigating the activities of the Internet account registered to JAMES CORBITT who resides at 1802 Wisteria Place in Birmingham, Alabama. As will be shown below, there is probable cause to believe that JAMES CORBITT has received and possessed child pornography, in violation of 18 U.S.C. §2252A. I submit this affidavit in support of a criminal complaint.

**BACKGROUND OF THE INVESTIGATION**

4. On October 28, 2009, at 10:31 am Eastern Daylight Savings Time (EDT), an FBI Agent working in an undercover capacity, hereafter, U/C, using a computer connected to the Internet, launched a publicly available P2P file sharing program from the Innocent Images

Operations Unit of the FBI located in Calverton, Maryland. U/C queried the program's network of friends and observed an individual using a username later identified as CORBITT.

5. U/C connected to CORBITT and observed this user was sharing over 16,000 files. U/C browsed through CORBITT's shared files in thumbnail view (this generates a preview of the image files) and observed hundreds of child pornography images and hundreds of videos with titles indicative of the same. U/C downloaded 13 image files and five (5) video files directly from CORBITT's computer prior to this user disconnecting from the program. Upon review, all the images and four (4) of the videos appeared to depict child pornography. According to CommView, all session data originated from Internet Protocol (IP) address xx.117.144.xxx.<sup>1</sup> (Identification of this IP address is accomplished by way of a network protocol analyzer (NPA), commonly referred to as a "packet sniffer," which recorded and displayed the Internet packet traffic between the investigator's computer and the target's computer. U/C used CommView which was kept running during the entire session. Therefore, as U/C downloaded files from the target, CommView recorded the packet traffic and displayed the corresponding IP address). U/C ended the online session at 10:51 am EDT.

6. Later on the same date (October 28, 2009), at 11:35 am EDT, U/C again, using a computer connected to the Internet, launched the previously described publicly available P2P file sharing program from the Innocent Images Operations Unit of the FBI located in Calverton, Maryland. U/C once again observed an individual using the username CORBITT was logged onto the network.

7. U/C connected to CORBITT and observed this user was sharing over 16,000 files. U/C browsed through CORBITT's shared files in thumbnail view and observed hundreds of child pornography images and hundreds of videos with titles indicative of the same. U/C

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<sup>1</sup> IP address has been redacted to protect investigation.

downloaded 67 image files and three (3) video files directly from CORBITT's computer. Upon review, all appeared to depict child pornography. Furthermore, one (1) video depicted a minor subjected to bestiality and three (3) images depicted a minor subjected to bondage. According to CommView, all session data originated from Internet Protocol (IP) address xx.117.144.xxx. U/C ended the online session at 12:28 pm EDT.

8. On November 23, 2009, at 4:11 pm Eastern Standard Time (EST) U/C, acting in an online undercover capacity, using a computer connected to the Internet, launched the previously described publicly available P2P file sharing program from the Innocent Images Operations Unit of the FBI located in Calverton, Maryland. U/C once again observed CORBITT was logged onto the network.

9. U/C connected to CORBITT and observed this user was sharing over 16,000 files. U/C browsed through CORBITT's shared files in thumbnail view and observed hundreds of child pornography images and hundreds of videos with titles indicative of the same. U/C downloaded 39 image files and two (2) video files directly from CORBITT's computer. Upon review, all appeared to depict child pornography. U/C used the packet capture program CommView to determine all session data originated from Internet Protocol (IP) address xx.117.158.xx. U/C ended the online session at 4:34 pm EST.

10. On October 30, 2009, an administrative subpoena was served to the Internet Service Provider Charter Communications. Charter Communications was requested to provide information on IP address xx.117.144.xxx on 10/28/2009 at 10:31 am - 12:28 pm EDT. On November 5, 2009, Charter advised that during the time U/C downloaded the aforementioned files, the IP address was assigned to an account registered to JAMES CORBITT at 1802 Wisteria Place, Birmingham, Alabama.

11. On December 1, 2009, an administrative subpoena was served to the Internet Service Provider Charter Communications. Charter Communications was requested to provide information on IP address xx.117.158.xx on 11/23/2009 at 4:11 pm - 4:34 pm EST. On December 14, 2009, Charter advised that during the time U/C downloaded the aforementioned files, the IP address was assigned to an account registered to JAMES CORBITT at 1802 Wisteria Place, Birmingham, Alabama. The account was created August 31, 2009.

12. On January 8, 2010, after reviewing the materials provided by the Innocent Images Operations Unit, FBI Birmingham opened an investigation regarding JAMES CORBITT. The case was assigned to your affiant. Your affiant reviewed the downloaded images and videos provided by U/C and observed that all appeared to depict child pornography. Twelve of the downloaded files (4 from each undercover session) had the following names and are briefly described:

Downloaded on 10/28/2009 between 10:31 am and 10:51 am:

- a) **p1010066.jpg** This is an image file depicting an adult male performing anal sex on a male child that appears to be less than 12 years of age.
- b) **p101 23577282.jpg** This is an image file depicting an adult male performing anal sex on a male child that appears to be less than 12 years of age.
- c) **p2060046.jpg** This is an image file depicting a male child that appears to be less than 12 years of age performing oral sex on an adult male.
- d) **p101\_0000352.jpg** This is an image file depicting a male child that appears to be less than 12 years of age performing oral sex on an adult male.

Downloaded on 10/28/2009 between 11:35 am and 12:28 pm:

e) **Scar063.jpg** This is an image file depicting a nude female child that appears to be less than 12 years of age with her hands and legs tied to a chair with rope.

f) **Scar064.jpg** This is an image file depicting a nude female child that appears to be less than 12 years of age, with ropes wrapped around her body, being touched on the vagina by an adult male.

g) **Scar065.jpg** This is an image file depicting a nude female child that appears to be less than 12 years of age, with ropes wrapped around her body, being touched on the vagina by an adult male.

h) **9yo jenny sucking dog.avi** This is a video file depicting a female child that appears to be less than 12 years of age performing oral sex on a dog.

Downloaded 11/23/2009 between 4:11 pm and 4:34 pm:

i) **pedo Kids-girl6y sucker boy.jpg** This is an image file depicting a female child that appears to be less than 12 years of age performing oral sex on a male child that appears to be less than 12 years of age.

j) **5\_y\_boy\_assfuck\_2.jpg** This is an image file depicting an adult male performing anal sex on a male child that appears to be less than 12 years of age.

k) **18-4.jpg** This is an image file depicting an adult male performing oral sex on a male child that appears to be less than 12 years of age.

l) **17\_-1.jpg** This is an image file depicting an adult male touching a male child's penis while the child touches the adult's penis.

13. On March 29, 2010, your affiant obtained a Search Warrant to search the premises of 1802 Wisteria Place, in Birmingham, Alabama, which is in Jefferson County and the Northern District of Alabama for evidence of criminal activity, including all child pornography,

or visual depictions of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, section 2256.

15. On March 31, 2010, other law enforcement officers and I searched the premises of 1802 Wisteria Place, in Birmingham, Alabama. No one was present at the apartment and agents were granted access by the manager of the complex. CART personnel conducted an Image Scan preview of the computer located at the residence. CART personnel noted there were 48 folders found, each containing 500 images. The majority of images located were of naked prepubescent children, some of which contained explicit sexual activity. A sample of seventy-one (71) images were downloaded during the preview.

16. On March 31, 2010, your affiant also located JAMES EDWARD CORBITT at his place of employment, and conducted a voluntary, non-custodial interview. FBI Special Agent Kimberly J. Castillo was also present during the interview. During the interview CORBITT admitted to receiving, possessing, and distributing large quantities of child pornography using a peer-to-peer file sharing program on his home computer. CORBITT also admitted to using the user name known by U/C. CORBITT stated he has shared thousands of images that contained nude children and children involved in sexual activity. He further stated they were mostly “pre-teen” and ranged from “9 to 10 to 14 years old.”


17. During the interview, it was also confirmed that CORBITT is currently a 7<sup>th</sup> grade coach at a local junior high school, and has served in this capacity for nine years. During the search, several team photographs of CORBITT posing with children were located. In addition, CORBITT admitted to secretly filming two minor males entering/exiting the shower at his apartment using a hidden pen camera. The videos were then uploaded and added to his shared folder on the file sharing network.

**CONCLUSION**


18. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that JAMES EDWARD CORBITT has violated Title 18 U.S.C. §§ 2252A Receipt and Possession of Child Pornography.

19. This conclusion is based in part on the information that on October 28, 2009, and November 23, 2009, images of child pornography were downloaded from CORBITT by an FBI agent acting in an online undercover capacity. CORBITT was later identified as the peer-to-peer user, 1802 Wisteria Place, Birmingham, Alabama. Further, on March 31, 2010, JAMES EDWARD CORBITT, when interviewed, admitted to affiant to possessing and receiving large quantities of child pornography. He also admitted to using a peer-to-peer file sharing program, via the Internet, on his home computer, located at 1802 Wisteria Place, Birmingham, Alabama, to possess and receive images of child pornography.

20. Your affiant, therefore, respectfully requests that a criminal complaint be granted based upon this affidavit.

  
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Jeffrey E. Fuqua  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed before me this 31st day of March, 2010.

  
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Robert R. Armstrong, Jr.  
UNITED STATES MAGISTRATE JUDGE

*P. C. is found.*  
*RC*