

# United States District Court

## SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

**JULY SHELBY**  
aka William McClain

CASE NUMBER: 1:16-mj-803

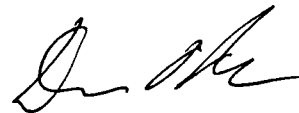
I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 9, 2016, in Marion County, in the Southern District of Indiana defendants did,

Counts 1 and 2 - distributed a visual depiction of a minor engaging in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(2).

I further state that I am a Task Force Officer, and that this complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof.



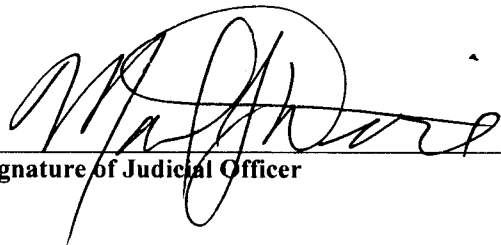
TFO Darin Odier, FBI

Sworn to before me, and subscribed in my presence

November 8, 2016  
Date

at Indianapolis, Indiana

Mark J. Dinsmore, U.S. Magistrate Judge  
Name and Title of Judicial Officer



Signature of Judicial Officer

**AFFIDAVIT**

I, Darin Odier, being duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. **Affiant:** I am a Detective in the Cybercrime Unit of the Indianapolis Metropolitan Police Department. I am also a cross-designated Task Force officer assigned to the FBI the Indianapolis Violent Crimes Against Children Task Force. I have over 27 years of law enforcement experience. I have investigated State and Federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography. I have written numerous search warrants involving internet crimes against children cases and participated in their execution. I have attended and presented at National Crimes Against Children Conferences and attended numerous classes related to investigating the online sexual exploitation of children. I am also a member of the Indiana Internet Crimes Against Children Task Force, which includes numerous federal, state and local law enforcement agencies. I am currently assigned to operate in an undercover capacity on the Internet to identify and investigate persons attempting to exploit or solicit sexual acts with children or trafficking in child pornography. As a Task Force Officer, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

2. **Information provided:** The statements in this affidavit are based on information obtained from my observations and communications, as well as

information learned from other law enforcement officers and witnesses.

Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, 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 that to support such warrant.

3. **Requested action:** I make this affidavit in support of an application for a criminal complaint and arrest warrant charging **July Justine Shelby, aka William McClain (“Shelby”)** with the following offenses:

4. **Counts 1 and 2:** On or about September 9, 2016, Shelby distributed a visual depiction of a minor engaging in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(2).

5. **Child Pornography Trafficking (18 U.S.C. § 2252):** 18 U.S.C. § 2252 prohibits a person from knowingly transporting, shipping, receiving, distributing, reproducing for distribution, or possessing any visual depiction of minors engaging in sexually explicit conduct when such visual depiction was either mailed or shipped or transported in interstate or foreign commerce by any means, including by computer, or when such visual depiction was produced using materials that had traveled in interstate or foreign commerce.

6. **Summary:** A civilian witness discovered child pornography on a cell phone that had been left in the civilian’s home after a party. This civilian notified law enforcement, who obtained a search warrant for the phone and

then executed an arrest warrant on the phone's owner. That owner, Beau Thornburgh (Thornburgh), confessed to receiving the child pornography images and disclosed to police that the images had been sent to Thornburgh by Shelby. Both Thornburgh and Shelby are convicted sex offenders. Shelby has confessed to sending the images at issue in Count 1 and 2 to Thornburgh.

7. **Initial Investigation:** On September 11, 2016, a civilian contacted IMPD dispatch and stated that they had a cell phone containing child pornography. A uniformed officer met the civilian, who stated the following:

8. The civilian hosted a party at an address in Marion County, Indiana on September 10, 2016. He identified Beau Thornburgh as one of the invited guests at the party. The next day, September 11, 2016, the civilian received an email from Thornburgh asking if he (Thornburgh) had left his cell phone at the party and providing the location where he left it.

9. The civilian found the cell phone and noticed images of a nude child on the screen, via unanswered text messages. The civilian further stated that the phone was not locked and noticed that it contained a long conversation between Thornburgh and an unknown person about sexual encounters with minor females.

10. The civilian voluntarily gave the phone to the uniformed officer. The uniformed officer took possession of the cell phone and entered it in the property room.

11. On September 12, 2016, this affiant took possession of the cell phone, described as a black "Coolpad" smart phone. This affiant recreated the actions of the civilian by reviewing text messages.

12. This affiant observed multiple images of minor females posed with their nude genital or pubic area exposed and/or engaged in sexually explicit conduct. Upon observing these images, this affiant did not search the phone further.

13. **Search Warrant for Thornburgh's Cell Phone:** On September 14, 2016, this affiant obtained a search warrant in the Marion County Indiana Superior Court for the above-described phone.

14. Pursuant to the search warrant, Detective Grant Melton of the IMPD digital forensic unit performed a forensic examination of the phone, which revealed the following information:

- a. The forensic examination showed that the phone number associated with the device was 317-213-6499.
- b. In the Contacts application, there was an entry titled "Me", identifying this device with the name "Beau Thornburgh" listed.
- c. On September 9, 2016, between approximately 10:14pm and 10:52pm, during an ongoing text conversation with a person using the number 317-720-4092, Thornburgh's phone received multiple images of adult pornography, child erotica, and child pornography, including the following:

d. **Count 1:** 14734751364371.jpg, which is described as an image of an adult male holding an infant between his legs with his penis pushed against the nude genital area of the infant.

e. **Count 2:** 14734753042761.jpg, which is described as an image of the exposed and nude vaginal area of a prepubescent female. One hand is pulling panties to the side, another hand is touching the child's vaginal area.

f. Thornburgh responded by saying "Yum", "Yesss" "Love that one" and "Fuckin yum. Delectable".

15. A criminal history check showed that on September 9, 2016, Thornburgh was a registered sex offender and on probation in Hendricks County, Indiana for Child Molest and Sexual Misconduct with a Minor from convictions in 2002.

16. Thornburgh's assigned probation officer in Hendricks County, Indiana told this affiant that, on September 2, 2016, he met with Thornburgh. On the probation sign-in sheet, Thornburgh listed his cell number as 317-213-6499. This is the same phone number associated to the above-described cell phone. This document was signed by Thornburgh.

17. On September 28, 2016, an arrest warrant was issued for Thornburgh by a federal magistrate in the Southern District of Indiana.

18. On September 29, 2016, this affiant located Thornburgh and arrested him.

19. This affiant read Thornburgh his Miranda rights and Thornburgh acknowledged understanding them. In a recorded statement, Thornburgh stated that he received the images of child pornography from a person he knows as July Justine Shelby. He further stated that Shelby is also known as William McClain and lives on 34th St. in Indianapolis, IN.

20. Thornburgh explained that he met Shelby while they both were incarcerated in an Indiana DOC facility in Miami County, Indiana.

21. A search of Bureau of motor vehicle records for Shelby shows July Justin Shelby AKA William McClain, DOB xx-xx-1964 (known to this affiant but redacted) with an address of 4251 E 34th Street, Indianapolis, Indiana 46218.

22. Records provided by the Indiana Department of Corrections show that Thornburgh and Shelby were both incarcerated at the Miami Correctional facility between February 25, 2005 and May 18, 2009.

23. Shelby is currently on parole for rape and child molest.

24. This affiant met with State Parole Agent Emily Gedig, who oversees Shelby's parole. Gedig confirmed Shelby's address as 4251 E. 34<sup>th</sup> street and stated that Shelby is on GPS monitoring and is not permitted to possess an internet enabled device.

25. Gedig stated that Shelby rents the basement of the residence from a woman that lives on the main floor named Molly.

26. Gedig states that Shelby drives a black pickup truck.

27. On September 9, 2016 at 0822 hrs, the cell number 317-720-4092 sent an SMS message to Thornburgh saying, “wake up I’m on my way”.

28. GPS records show Shelby leaving his residence at 0825 hrs and arriving at Thornburgh’s residence at 0827 hrs.

29. Gedig provided GPS documentation showing that on the date and times the images were sent to Thornburgh from 317-720-4092, Shelby was at his residence.

30. This affiant requested and received a search warrant for subscriber information and historical cell tower data for cell number 317-720-4092 (the number from which the images of child pornography were sent), including the

31. The returned data showed that on September 9, 2016 between 10pm and 11pm, there were over 25 “pings” or contacts between 317-720-4092 and cell towers. All of these pings were on the 2 towers closest to Shelby’s residence of 4251 E. 34th Street in Indianapolis, in the Southern District of Indiana.

32. The subscriber of this telephone is listed as “July Sheavy” with an address of 4251 E. 31st Street, Indianapolis, Indiana 46218 and the same date of birth as July Shelby/ William McClain.

33. This affiant knows the address provided as 4251 E. 31st Street, Indianapolis, Indiana 46218 does not exist.

34. During the same timeframe the images were sent from 317-720-4092 to Thornburgh, on September 9, 2016, the number 317-720-4092 also



sent Thornburgh an image showing a Wi-Fi network and password. The network is "ATT496".

35. On October 4, 2016, this affiant was approximately 100 feet from the property of 4251 E 34th Street, Indianapolis, Indiana. In checking the wireless networks in the area, I observed "ATT496" in range of where I was located.

36. **Interview on November 7, 2016:** This affiant interviewed Shelby on November 7, 2016. In a recorded interview, I advised Shelby of his Miranda rights which he acknowledged understanding. Shelby admitted possessing a cell phone with the number 317-720-4092 for several months including September of 2016. He further admitted using that cell phone to access web sites to search for and send images of child pornography to Beau Thornburgh.

37. Shelby admitted that he obtained images of child pornography from the Internet using his cellular phone. He then sent these images to Thornburgh on multiple occasions. Shelby explained that he did this because Thornburgh liked child pornography.

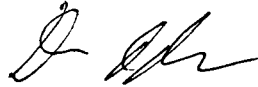
38. This affiant showed Shelby several images, including the two images described above, which showed a minor children engaged in sexually explicit conduct. Shelby acknowledged having possessed and distributing these images to Thornburg.

39. Shelby explained that he has romantic feelings for Thornburgh that began while they were incarcerated together for 12 years at two Indiana Department of Corrections facilities.

40. **Obstruction:** Shelby admitted that, when he learned Thornburgh was arrested and in federal custody for child pornography related charged, Shelby threw the 317-720-4092 cell phone into the White river because he knew law enforcement would be looking at him. He admitted that this was the same phone is used to obtain and distribute child pornography. This phone has not been recovered and is unlikely to be recovered. Its present location in the White River is unknown.

41. **Search of Shelby's Residence:** Law enforcement agents searched Shelby's residence on November 7, 2016, but did not locate any child pornography in the computer he stored with the upstairs landlord, who cooperated with investigation and surrendered the laptop during the search. The secret use of this laptop and his cellular phones was a violation of his parole conditions.

42. **Conclusion:** Based upon the contents of this Affidavit, I respectfully request that the Court issue a criminal complaint and arrest search warrant charging Shelby with the offense listed above.



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Darin Odier  
FBI TFO

Subscribed and sworn before me this 8th day of November, 2016.



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Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana