

STATE OF WISCONSIN - VS - James Charles Baumgarten

Count 3: CAPTURE AN INTIMATE REPRESENTATION WITHOUT CONSENT (VICTIM UNDER AGE 18)

The above-named defendant on or about Monday, December 12, 2022, in the Village of Howard, Brown County, Wisconsin, did knowingly make a videotape or take a photograph which videotape or photograph depicts an intimate representation without the consent of the person, to-wit: VICTIM, depicted in the intimate representation was under 18 years of age, and under circumstances where the person so depicted had a reasonable expectation of privacy, contrary to sec. 942.09(2)(am)1&(2)(dr) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 4: CAPTURE AN INTIMATE REPRESENTATION WITHOUT CONSENT (VICTIM UNDER AGE 18)

The above-named defendant on or about Saturday, December 24, 2022, in the Village of Howard, Brown County, Wisconsin, did knowingly make a videotape or take a photograph which videotape or photograph depicts an intimate representation without the consent of the person, to-wit: VICTIM, depicted in the intimate representation was under 18 years of age, and under circumstances where the person so depicted had a reasonable expectation of privacy, contrary to sec. 942.09(2)(am)1&(2)(dr) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 5: CAPTURE AN INTIMATE REPRESENTATION WITHOUT CONSENT (VICTIM UNDER AGE 18)

The above-named defendant on or about Saturday, December 31, 2022, in the Village of Howard, Brown County, Wisconsin, did knowingly make a videotape or take a photograph which videotape or photograph depicts an intimate representation without the consent of the person, to-wit: VICTIM, depicted in the intimate representation was under 18 years of age, and under circumstances where the person so depicted had a reasonable expectation of privacy, contrary to sec. 942.09(2)(am)1&(2)(dr) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 6: CAPTURE AN INTIMATE REPRESENTATION WITHOUT CONSENT (VICTIM UNDER AGE 18)

The above-named defendant on or about Friday, February 10, 2023, in the Village of Howard, Brown County, Wisconsin, did knowingly make a videotape or take a photograph which videotape or photograph depicts an intimate representation without the consent of the person, to-wit: VICTIM, depicted in the intimate representation was under 18 years of age, and under circumstances where the person so depicted had a reasonable expectation of privacy, contrary to sec. 942.09(2)(am)1&(2)(dr) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

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Count 7: CAPTURE AN INTIMATE REPRESENTATION WITHOUT CONSENT (VICTIM UNDER AGE 18)

The above-named defendant on or about Thursday, March 9, 2023, in the Village of Howard, Brown County, Wisconsin, did knowingly make a videotape or take a photograph which videotape or photograph depicts an intimate representation without the consent of the person, to-wit: VICTIM, depicted in the intimate representation was under 18 years of age, and under circumstances where the person so depicted had a reasonable expectation of privacy, contrary to sec. 942.09(2)(am)1&(2)(dr) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 8: CAPTURE AN INTIMATE REPRESENTATION WITHOUT CONSENT (VICTIM UNDER AGE 18)

The above-named defendant on or about Wednesday, March 29, 2023, in the Village of Howard, Brown County, Wisconsin, did knowingly make a videotape or take a photograph which videotape or photograph depicts an intimate representation without the consent of the person, to-wit: VICTIM, depicted in the intimate representation was under 18 years of age, and under circumstances where the person so depicted had a reasonable expectation of privacy, contrary to sec. 942.09(2)(am)1&(2)(dr) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 9: CAPTURE AN INTIMATE REPRESENTATION WITHOUT CONSENT (VICTIM UNDER AGE 18)

The above-named defendant on or about Saturday, September 9, 2023, in the Village of Howard, Brown County, Wisconsin, did knowingly make a videotape or take a photograph which videotape or photograph depicts an intimate representation without the consent of the person, to-wit: VICTIM, depicted in the intimate representation was under 18 years of age, and under circumstances where the person so depicted had a reasonable expectation of privacy, contrary to sec. 942.09(2)(am)1&(2)(dr) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 10: CAPTURE AN INTIMATE REPRESENTATION WITHOUT CONSENT (VICTIM UNDER AGE 18)

The above-named defendant on or about Friday, December 22, 2023, in the Village of Howard, Brown County, Wisconsin, did knowingly make a videotape or take a photograph which videotape or photograph depicts an intimate representation without the consent of the person, to-wit: VICTIM, depicted in the intimate representation was under 18 years of age, and under circumstances where the person so depicted had a reasonable expectation of privacy, contrary to sec. 942.09(2)(am)1&(2)(dr) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

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Count 11: CAPTURE AN INTIMATE REPRESENTATION WITHOUT CONSENT (VICTIM UNDER AGE 18)

The above-named defendant on or about Sunday, January 7, 2024, in the Village of Howard, Brown County, Wisconsin, did knowingly make a videotape or take a photograph which videotape or photograph depicts an intimate representation without the consent of the person, to-wit: VICTIM, depicted in the intimate representation was under 18 years of age, and under circumstances where the person so depicted had a reasonable expectation of privacy, contrary to sec. 942.09(2)(am)1&(2)(dr) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 12: CAPTURE AN INTIMATE REPRESENTATION WITHOUT CONSENT (VICTIM UNDER AGE 18)

The above-named defendant on or about Friday, January 12, 2024, in the Village of Howard, Brown County, Wisconsin, did knowingly make a videotape or take a photograph which videotape or photograph depicts an intimate representation without the consent of the person, to-wit: VICTIM, depicted in the intimate representation was under 18 years of age, and under circumstances where the person so depicted had a reasonable expectation of privacy, contrary to sec. 942.09(2)(am)1&(2)(dr) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 13: CAPTURE AN INTIMATE REPRESENTATION WITHOUT CONSENT (VICTIM UNDER AGE 18)

The above-named defendant on or about Saturday, February 3, 2024, in the Village of Howard, Brown County, Wisconsin, did knowingly make a videotape or take a photograph which videotape or photograph depicts an intimate representation without the consent of the person, to-wit: VICTIM, depicted in the intimate representation was under 18 years of age, and under circumstances where the person so depicted had a reasonable expectation of privacy, contrary to sec. 942.09(2)(am)1&(2)(dr) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Complainant is an Assistant District Attorney with the Brown County District Attorney's Office and knows of the above offense(s) on information and belief based upon:

PROBABLE CAUSE:

The complainant, being duly sworn on oath, swears that she has had the opportunity to review the police reports of the Brown County Sheriff's Department and other documents supporting this complaint, which are the types of reports and documents kept in the ordinary course of business, which complainant believes to be truthful and reliable because they have proven to be truthful and reliable on numerous occasions in the past.

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The complaint further asserts that based upon her review of the reports and/or supporting documents, the incidents alleged in Brown County, Wisconsin.

1. Your complainant's review of the reports of Deputy Brandon Dhuey of the Brown County Sheriff's Department, who indicates:

On 5-1-2024, I Officer B. Dhuey of the Brown County Sheriff 's Office was contacted by Lt. J. McAuly of the Brown County Sheriff's Office who stated there was a complainant and victim in the front parking lot of the Brown County Sheriff's Office and they needed to report an incident that occurred in the Village of Howard, County of Brown, WI and he requested I investigate the complaint. Lt. McAuly stated the complaint alleged possible unauthorized video recording of a nude and possibly underage female victim. Based on this information I intended to speak with the complainant and victim in a soft interview room and activated the video and audio recorder.

I responded to the front parking lot and found two females sitting in a vehicle. I asked if they wanted to report an incident which occurred in the Village of Howard and they indicated they did. I escorted both subjects who were later identified as B.C.B. and VICTIM DOB: 1/17/07 to interview room #2. I introduced myself and B.C.B. advised she was the mother of VICTIM. B.C.B. stated she had recently discovered nude videos of VICTIM on an app called "keepsafe" and she accessed the app using her husband (James Baumgarten) login information. B.C.B. stated the videos showed VICTIM coming out of the shower and also nude in her bedroom.

I spoke with VICTIM and asked if she was willing to provide a written a statement and she indicated she was. VICTIM had told me she was unaware of this video until her mother told her. VICTIM provided the following statement:

"On 5/1/2024 at around 7:58pm my mom, B.C.B. met me at my brothers girlfriend's house after I was finished with work. We were sitting in her vehicle and she told me we need to talk, life is going to change and that James (my step-dad) has videos of me. She told me he had nude videos of me going in and out of the shower and in my bedroom. I learned one or more of the videos were filmed through a crack in a bathroom door and other in a bedroom were filmed from an outside window looking in. I had no knowledge of the videos and at no time did I give James or anyone else permission to film me. There has been no physical contact between myself and James."

I asked B.C.B. if she was willing to provide me with a statement and she stated she was willing. B.C.B. provided me with the following statement:

"I am married to James Baumgarten, and we have been together for approximately eleven (11) years and have been married since May 18th of 2022. We do not have any children in common, but we live together at [a residence in the] Village of Howard, Wisconsin. We purchased the home approximately eight (8) years ago and at that time we raised our children together. I have three children; two boys and a girl and James has two boys and a girl. Currently myself, James, my eighteen-year-old son, VICTIM (17 years old) and his 16 year old son live at our house. On 4-27-2024 in the early afternoon I looked at James 's IPAD. James was currently working a side job and was not home. I recognized the app called "Keepsafe" was on his IPAD as a downloaded app at one point, but I did not see it on his IPAD at this time. I was aware of this app from the past and knew it was used to hide nude photos and videos of myself. I then downloaded the app to my Samsung phone because I wanted to try

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and log into the app to see what he had stored in there, specifically photos and videos of other women. I used the login jamesbaumgarten1@gmail.com and the app then sent a secure access code to his email address. Since I had his IPAD I had access to his email and was able to retrieve the code. I entered the code in the app, and it then requested a numeric pin number. I knew James always used the code **** for most everything, and we use this code for our house code, bank code, etc. I entered the pin and the app opened.

Once inside the app I found the photos and videos of myself which I knew about. I also found approximately 5-6 nude videos of my daughter VICTIM. I saw a time stamp on the app that some were in January of 2022, and some were in June of 2022. I am not sure if that is when they were obtained or when they were uploaded to the app. I also saw a notification for eleven (11) deleted items, but it requested I enter credit card information to upgrade the account to retrieve them, which I did not do. I opened the first video, and it was my daughter VICTIM entering her bedroom with a towel on her head and she also had a towel on her body. She was looking for underwear and pajamas in her dresser. When she found them, she dropped the towel and was nude at that point. That video appeared to have been taken from the outside of her bedroom window looking in. Her bedroom had a broke shade with an approximately 1.5 " gap on the bottom left of her window and that was how I was able to tell it was taken from that location. I ended up opening all the videos and there were four or five videos all similar in nature, but from different dates and times. There was also a video of VICTIM in the bathroom leaving the shower nude. She grabbed a towel from a hook and put it around her body. She sneezed and the video moved to the door panel and then back to a crack in the door to film VICTIM. This video was filmed through a crack in the smaller of our two-bathroom doors (there are two doors to that bathroom off our entry way) and that crack was there prior to this video. After watching the videos, I closed the app, and I did not tell anyone or confront James. I kept this to myself until tonight (5/1/2024) when I decided to tell VICTIM. I have been wrestling with what to do since I discovered this and know it's illegal.

Tonight, James and I were fighting over text messages about another woman he had been communicating with. I knew VICTIM had to work and I knew today was the day I had custody of her (her biological father has her on Monday's and Tuesday's) so I wanted to meet with her after school and work and to talk about this situation. I met with her outside my middle son's girlfriend's house in my car. I told her we needed to talk, and life was going to change, and that James had nude videos of her. After talking with we drove to the Brown County Sheriff 's Office to report it. I have not confronted James about this, and the only other two people who know are my two sons. I have asked them to keep this private as a family matter."

2. Your complainant's review of the reports of Sgt. Matt Wilson of the Brown County Sheriff's Department, who indicates:

On May 2, 2024, I, Sgt. Wilson, was assigned this case. Based on the information in the initial report, I authored a seizure warrant for JAMES' cellphone, iPad and any other electronic device he had on his person or in his vehicle. It was believed that JAMES was at work at 2*** Airport Drive, in the Village of Ashwaubenon, Brown County, WI.

JM, DEO Dhuey and I located JAMES in an *upstairs* maintenance area. I introduced myself to JAMES and told him where I worked. I noticed JAMES had a pocket knife on the outside of his pants. Based on officer safety as well as the seizure warrant for any electronic devices, I searched JAMES. I took the pocket knife and handed it to DEO Dhuey. I then located two

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cellphones in JAMES' back left pants pocket. JAMES identified one iPhone as his work phone and one as his personal phone. The black iPhone with the black case was his work phone which was turned over to JM. The iPhone with the clear case and American Flag pop socket was identified by JAMES as his personal phone and was seized at that time.

As I was waiting alone with JAMES, I asked JM to search JAMES' work van since it was [his employer]'s property. JM advised that inside of a black backpack in the van that is usually operated by JAMES, he located an iPad, which he turned over to me.

While waiting JAMES asked me "When was this from." I explained to JAMES that he didn't wish to speak to me so I wasn't going to answer any of his questions. I told JAMES he could keep the copy of the search warrant and once they were done searching his vehicle, he could leave. While waiting, I collected JAMES' Apple iWatch so he could not access his iCloud and delete evidence.

On Saturday, May 4, BCB contacted me in reference to locating two more cellular devices that she believed belonged to JAMES.

On May 6, 2024, I met with BCB and obtained the following statement:

On Saturday, May 4, 2024 at approximately 10:00 am, I, BCB, was looking for my spare key to my vehicle. I noticed that the keys that were typically in my room, were now missing. I thought that maybe my husband, JAMES, took them when the Police let him pack a bag on Thursday, May 2. I gained access to JAMES' truck to look for my spare key. While looking in the bag, in the pocket of a tan jacket, I located a black Apple iPhone with a black Otterbox case. I thought it was maybe his work cellphone so I did not initially look at it. I later looked in the phone and saw messages on the phone from 2020. The messages were from a former boss of JAMES. I then looked in the photos tab and saw several videos. I played one of the videos and observed JAMES was setting up the cellphone in a manner as to record someone secretly. Based on the video, JAMES is setting up the cellphone in my daughter VICTIM 's bedroom. I immediately stopped the video and called Sgt. Wilson. While the photos tab was up, I saw one of the thumbnail images was a picture of an unknown female's vagina. I am unsure if it is VICTIM's vagina, but the camera appears to be set up in VICTIM 's room, on her dresser.

After contacting Sgt. Wilson, I located another Apple iPhone in JAMES' nightstand drawer. I turned both cellphones over to Deputy Reeves on May 4, 2024. On May 6, 2024, I gave this written statement to Sgt. Wilson. I also turned over several small pieces of paper with unknown female's phone numbers on them in case Sgt. Wilson needed it for this case. I don't know these phone numbers and don 't recognize any of the names that are on the pieces of paper.

On May 7, ADFA Angel completed a forensic extraction of an Apple iPhone that was turned over by BCB that was believed to be owned and operated by JAMES. Once the extraction was complete, ADFA Angel turned over a USB containing the extraction (EX # 24-013653278005).

In reviewing the extraction summary, Cellebrite identified the following information:

Apple ID: jamesbaumgarten1@gmail.com

Device Name: James Baumgarten iPhone

Device Phone Number: +19207378796

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In reviewing the Cellebrite extraction, I located 13 videos in the "Photos" portion of the iPhone. The following is a description of those 13 videos:

Video # 1

File name: IMG_3129.MOV

Created: 10/27/2022 11:59:42 PM(UTC+0)

Accessed: 10/27/2022 11:59:42 PM(UTC+0)

Description: This is a 13 minute and 12 second video file. The video starts and it appears to be a cellphone or other recording device that is faced downward towards the floor of a bedroom. Based on this investigation, I know the carpet in this bedroom is the same carpet that is in VICTIM's bedroom. The recording device also captures a small, mirrored nightstand, which I also know is VICTIM's. Once the video starts, the person activating the recording device shows their face. Based on this investigation, I know the person to be JAMES BAUMGARTEN. The device is placed upside down, underneath the nightstand, in a secretive manner. JAMES checks the camera location and then walks out of the bedroom.

At approximately 6 minutes and 15 seconds, the door opens, and a dog enters the room. A male voice is heard yelling "HEY!" and the dog walks out. A teenage male comes into the bedroom and a few seconds later walks out, shutting the door. At approximately 7 minutes and 6 seconds, the door opens and a teenage female in a purple towel comes into the bedroom. Based on this investigation, I know this female to be VICTIM. VICTIM shuts the door behind her and moves to the middle of the bedroom. VICTIM starts manipulating her cellphone and is walking around the room and goes off of camera view.

At 8 minutes and 57 seconds, VICTIM appears again and starts grabbing clothes from a dresser. She then goes off camera again.

At 9 minutes and 23 seconds VICTIM puts on a purple thong while reappearing again. She bends over in front of the camera to grab pajama pants and exposes her breasts to the camera. She walks over to the bedroom door and fixes her thong underwear. She eventually walks back over towards the bed and grabs a shirt. This whole time her breasts are exposed to the camera.

At approximately 11 minutes and 3 seconds, VICTIM walks out of the bedroom turning off the lights and shutting the bedroom door.

At 13 minutes and 08 seconds JAMES enters the room again, hustles over directly to the hidden device, picks it up and shuts it off.

Video # 2

File name: IMG_3133.MOV

Created: 11/11/2022 4:29:48 PM(UTC+0)

Accessed: 11/11/2022 4:29:48 PM(UTC+0)

Description: This is a 9 minute and 29 second video file. The video starts with the recording device recording and a male can be heard talking to another male presumably on another cellphone. The conversation eventually ends, and the recording device is brought into VICTIM's room, based on the carpet and furniture. JAMES sets the camera in a hidden location, presumably under the nightstand again and walks out of the bedroom while turning off the light. A few seconds later, JAMES turns the light on and looks directly at the camera. He

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walks over to the camera area and places an unknown object near the camera to hide it more than it already is hidden. JAMES checks it again before shutting the light off and walking out again.

At 2 minutes and 57 seconds JAMES is seen re-entering the room and adjusting the camera once again. He checks the camera again and shuts the light off and leaves the room.

At 4 minutes and 39 seconds, VICTIM walks into her room in a multi-colored polka dot towel and her cellphone. VICTIM plays on her cellphone for a bit then starts digging in her dresser drawer for some underwear. After finding some underwear, she walks towards her bedroom door, removes her towel, and bends over, exposing her buttocks and her vagina. She starts drying her hair and turns towards the camera exposing her breasts. She turns a little more and walks over towards her dresser and grabs her underwear which exposes her breasts and vagina to the camera. VICTIM puts her underwear on over by the door and then walks across the room towards the camera which exposes her breasts to the camera. VICTIM places some multi-colored shorts on and walks off camera. VICTIM comes back into the camera view and takes the towel off of her head and walks to her closet. She finds a shirt and turns towards the camera as he puts the shirt on, exposing her breasts to the camera.

At 9 minutes and 42 seconds, VICTIM turns the light off, shuts the bedroom door and leaves the room.

At 9 minutes and 24 seconds, JAMES enters the room. JAMES hustles over towards the recording device, picks it up and shuts it off.

Video # 3

File name: IMG_3138.MOV

Created: 12/12/2022 2:51:20 AM(UTC+0)

Accessed: 12/12/2022 2:51:20 AM(UTC+0)

Description: This is a 30 minute and 38 second video file. The video starts off in a dark hallway. The hallway light turns, and the recording device captures an unknown person, presumably JAMES, opening VICTIM's bedroom door. JAMES leaves the light off and places the recording device in the same spot as before, hidden. JAMES walks out of the room and closes the door to the bedroom. I know it is JAMES placing the camera because as he exits the bedroom, the hallway light captures his face on camera.

At 4 minutes and 52 seconds VICTIM walks into the bedroom wearing a towel around her body and playing with her cellphone. VICTIM shuts the door and starts walking around her room. While doing that she drops the towel shortly then moves it around exposing her breasts and vagina to the camera. VICTIM then walks over to her dresser and grabs a pair of underwear and puts it on. She then bends over and picks up a pair of pajama pants off of the floor. She walks towards the closet in her room and places the towel on top of her head, exposing her breasts. VICTIM then attempts to place a bra on but struggles with it. Eventually she removes the bra exposing her breasts again and walks over to her dresser. She looks around for a few seconds and then starts folding some laundry. Eventually she finds a shirt and puts it on. That entire time, her breasts were exposed to the camera multiple times.

At 29 minutes and 12 seconds, BCB comes in and says "Hey VICTIM, can you clean up the stuff in the room?"

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At 29 minutes and 44 seconds, JAMES enters the room and asks something about folding laundry. He then hovers over VICTIM and asks her what she's watching. JAMES then sits on a small chair next to where the recording device is located and calls an unknown male. JAMES asks "Hey whatcha doing?" At the same time, JAMES leans over and grabs the recording device and shuts it off.

Video # 4

File name: IMG_3140.MOV

Created: 12/24/2022 5:14:27 PM(UTC+0)

Accessed: 12/24/2022 5:14:27 PM(UTC+0)

Description: This is a 33 minute and 48 second video file. The video starts out with the recording device pointed down towards the ground. There is a purple and orange Under Armour backpack lying on the floor. The recording device is turned over and JAMES is placing the recording device in a hidden manner. Once the recording device is set up, JAMES leaves the room and shuts the door.

At 18 minutes and 53 seconds, VICTIM enters the room wearing a multi-colored towel around her body. The video is somewhat blurry from the camera angle. VICTIM walks over near the door, takes off her towel, bends over and places the towel on her head exposing her breasts to the camera. She then walks over to her dresser and her breasts and vagina are exposed to the camera. VICTIM finds some underwear and walks near the door and puts them on. She then walks over to the dresser to find some clothes and her breasts are exposed to the camera. Eventually she finds a bra and some clothes to put on.

At 27 minutes and 22 seconds, you hear a female voice say "VICTIM?" and VICTIM responds "Yeah?". The female voice says, "Are you almost ready" and VICTIM says "Yeah, I'm coming out right now."

At 27 minutes and 56 seconds VICTIM shut off the light and leaves the room.

At 31 minutes and 33 seconds, VICTIM enters the room to grab something and leaves at 31 minutes and 54 seconds.

At 32 minutes and 54 seconds, JAMES comes into the bedroom and starts walking towards the camera but hears a noise and exits the room in a hurry.

At 33 minutes and 2 seconds JAMES comes back into the bedroom and moves quickly over to the recording device and grabs it. It appears he puts the recording device in his pocket until the video ends.

Video # 5

File name: IMG_3141.MOV

Created: 12/31/2022 9:48:10 PM(UTC+0)

Accessed: 12/31/2022 9:48:10 PM(UTC+0)

Description: This video is 6 minutes and 05 seconds long. When the recording starts, it is unknown where the recording device is located. Eventually the recording device is placed in a hidden manner on the floor by an unknown individual. When the individual leaves the room, he

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back lights himself and you are able to see the person who hid the recording device is JAMES based on previous clothing and physical features.

At 31 seconds, VICTIM walks into the bedroom wearing a blue towel and carrying some clothing. VICTIM stands in the middle of the room for a bit then walks over towards the camera. She eventually walks near the bedroom door and her buttocks are exposed to the camera. VICTIM removes her towel which exposes her breasts to the camera. VICTIM walks over to her dresser which exposes her breasts and vagina to the camera. VICTIM locates and puts a pair of yellow thongs on and walks back towards the camera exposing her breasts. VICTIM eventually finds clothing and leaves the room at 4 minutes and 55 seconds.

At 5 minutes and 58 seconds, JAMES enters the room, hurries over to the recording device, grabs the recording device, and ends the video.

Video # 6

File name: IMG_3142.MOV

Created: 2/10/2023 4:44:23 AM(UTC+0)

Accessed: 2/10/2023 4:44:23 AM(UTC+0)

Description: This video is a 14 minute and 28 second video. The video starts out with JAMES setting up the recording device in a hidden manner. JAMES takes a few extra seconds to maneuver the camera and make sure it's well hidden. JAMES then exits the room.

At 5 minutes and 14 seconds, VICTIM enters the room wearing a pink towel around her body and holding some clothing. VICTIM stands in the middle of the room for a short period of time playing with her cellphone. She then walks over to the dresser and moves her towel exposing her buttocks to the camera. She bends over and places the towel on her head which exposes her breasts to the camera. While standing in front of her dresser, which is mirrored, her vagina is exposed to the camera from the reflection on the mirror. VICTIM finds a pair of underwear and walks near the door and puts them on. VICTIM has the underwear almost on and she turns and walks towards the camera exposing her vagina and breasts to the camera. VICTIM eventually finds a bra and some clothing and puts them on. VICTIM turns off the lights and goes off camera presumably on her bed.

At 14 minutes and 8 seconds, you hear a knock on the door, and it opens. JAMES says "Knock knock" and asks VICTIM if she's sleeping. JAMES walks over toward the bed and asks VICTIM some questions about her work. While talking to VICTIM, JAMES leans over and grabs the recording device and shuts the video off.

Video # 7

File name: IMG_3144.MOV

Created: 3/9/2023 1:24:43 AM(UTC+0)

Accessed: 3/9/2023 1:24:43 AM(UTC+0)

Description: This video is a 12 minute and 13 second video. When the video starts, the room is dark. Eventually the bedroom light is turned on and JAMES places the recording device in a hidden area. JAMES adjusts the recording device and turns the light off and leaves the room.

At 3 minutes and 13 seconds VICTIM walks into the bedroom wearing a pink towel around her body and clothes in her hand. VICTIM walks over towards the door and drops the towel exposing her buttocks. Eventually VICTIM turns towards the camera and exposes her breasts.

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VICTIM puts on a red bra and walks over to her dresser which exposes her vagina to the camera. VICTIM walks around the room which exposes her vagina more to the camera. She eventually finds a pair of panties and puts them on. VICTIM finds some shorts and puts them on. VICTIM leaves the room at 4 minutes and 56 seconds.

At 5 minutes and 8 seconds VICTIM entered the room again and JAMES was behind her. VICTIM is sitting in front of her dresser and JAMES is standing in the doorway talking to VICTIM. VICTIM and JAMES talk for a bit.

AT 8 minutes and 32 seconds JAMES walks towards VICTIM and asks how her bed was working out for her. JAMES pretends to check the bed's stability and keeps talking to VICTIM. While speaking to VICTIM, JAMES pretends to check under the bed and bends down and grabs the recording device. JAMES talks to VICTIM a little longer then leaves the room. JAMES turns off the recoding device in the kitchen area of the residence.

Video # 8

File name: IMG_3146.MOV

Created: 3/29/2023 11:38:47 PM(UTC+0)

Accessed: 3/29/2023 11:38:47 PM(UTC+0)

Description: This video is a 19 minute and 25 second video. When the video starts, JAMES is setting up the recording device in VICTIM's room in a hidden manner. JAMES then walks over to the door and turns on the bedroom light. JAMES checks the location of the recording device, shuts the light off and walks over to the recording device. JAMES moves some items around the recording device to hide it better. JAMES then leaves the room.

At 10 minutes and 52 seconds, VICTIM enters the room wearing a blue towel and carrying some clothing. VICTIM walks off camera briefly then comes back on camera with the towel moved, exposing her buttocks. VICTIM grabs a pair of underwear from her dresser then walks over towards the door and puts them on. VICTIM walks back towards the camera with the towel on her shoulders, which exposes her breasts to the camera. VICTIM goes off camera then comes back in view and goes near her door with a bra in her hands. While putting her bra on near the door, her breasts are exposed to the camera. VICTIM eventually leaves the bedroom at 15 minutes and 22 seconds.

At 16 minutes and 2 seconds, VICTIM comes back into her room and changes her outer sweatshirt. She leaves the room at 16 minutes and 33 seconds.

At 19 minutes and 20 seconds, JAMES enters the bedroom, rushes over to the recording device, grabs it and turns the recording off.

Video # 9

File name: IMG_3150.MOV

Created: 9/9/2023 4:45:43 PM(UTC+0)

Accessed: 9/9/2023 4:45:43 PM(UTC+0)

Description: This video is 22 minutes and 46 seconds long. The video starts with JAMES setting up the recording device in a hidden area in VICTIM's bedroom. JAMES walks away and stops and stares at the camera to make sure it's hidden enough. JAMES then walks further to the door and before turning the light off, turns to check the camera once more.

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At 13 minutes and 2 seconds, VICTIM walks in wearing a gray towel around her body. VICTIM removes the towel around her body and places it on her head exposing her breasts to the camera. VICTIM puts on a pair of underwear and a pair of pants all while being topless and her breasts exposed to the camera. Eventually VICTIM locates a bra and puts it on. VICTIM puts on a sweatshirt and eventually leaves the room at 17 minutes and 50 seconds.

At 22 minutes and 40 seconds JAMES comes into the room, hurries to the recording device, grabs it and turns the recording off.

Video # 10

File name: IMG_3154.MOV

Created: 12/22/2023 7:18:11 PM(UTC+0)

Accessed: 12/22/2023 7:18:11 PM(UTC+0)

Description: This video is one hour, 41 minutes and 21 seconds long. The video starts out in a dark room. JAMES maneuvers the camera in a hidden area and leaves the room. JAMES comes back in a short time later and says, "Did I start it?" JAMES go by the camera to check it and says, "Oh yeah." JAMES then places some items around the camera and leaves the room at one minute and 40 seconds.

At 13 minutes and 44 seconds, VICTIM came into her bedroom wearing a multi-colored tropical towel. VICTIM looks in the mirror by the bedroom door for a little bit then moves towards the dresser. The towel she is wearing loosely on her and when she starts moving her breasts and vagina are exposed to the camera. VICTIM puts a pair of underwear on and walks around her room looking for other clothes. This whole time her breasts are exposed to the camera until she goes off camera and puts on a shirt.

At 17 minutes and 2 seconds, VICTIM takes the shirt she was wearing off and turns and faces the camera and exposes her breasts. She then puts another shirt on and starts cleaning her room.

At 18 minutes and 46 seconds, VICTIM leaves her bedroom.

At 32 minutes and 14 seconds, VICTIM comes into the room and drops something off, unknown what because of lighting. She then leaves her bedroom.

At 1 hour 2 minutes and 20 seconds, VICTIM comes into the room and retrieves something from her backpack, then leaves the room.

At 1 hour 10 minutes and 56 seconds, VICTIM comes back into her bedroom and lays on the bed. She stays for a short period of time then leaves.

At 1 hour 41 minutes and 5 seconds, JAMES comes into the bedroom, hurries to the recording device, grabs it and turns the recording off.

Video # 11

File name: IMG_3155.MOV

Created: 1/7/2024 5:15:41 PM(UTC+0)

Accessed: 1/7/2024 5:15:41 PM(UTC+0)

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Description: This video is 5 minutes and 2 seconds long. The video starts with JAMES setting up the camera in VICTIM's room, in a hidden area.

At 27 seconds, an unknown teenage girl comes into the room and grabs a backpack.

At 1 minute and 53 seconds, VICTIM walks in with a blue towel around her body. She shuts the door and immediately moves the towel, and her vagina and breasts are exposed to the camera. VICTIM put the towel on her head and put a pair of panties on. When she bends over to put her panties on her vagina is exposed. VICTIM then walks around looking for other clothing and the whole time her breasts are exposed to the camera. VICTIM finds a bra and a shirt and puts them on and then leaves the bedroom.

At 4 minutes and 56 seconds, JAMES comes into the bedroom, hurries to the recording device, grabs it and turns the recording off.

Video # 12

File name: IMG_3159.MOV

Created: 1/12/24 1:57:46 AM(UTC+0)

Accessed: 1/12/24 1:57:46 AM(UTC+0)

Description: This video is 9 minutes and 31 seconds long. The video starts off with the camera pointed down towards VICTIM's carpet and nightstand. JAMES then positions the camera in a hidden position and walks away. JAMES goes back and re-positions the camera and walks to the bedroom door. JAMES stops and looks back at the camera to make sure it's hidden enough, then turns off the bedroom light and walks away.

At 6 minutes and 43 seconds, VICTIM enters the room wearing a purple towel and carrying clothes. She walked towards the camera and then back towards the bedroom door because it was left cracked open. After shutting the door completely, VICTIM removes the towel and places it on her head, exposing her breasts to the camera. She uses the towel to wipe her vagina which exposes her vagina to the camera. VICTIM walks over to her dresser and grabs a pair of underwear. As she puts the underwear on, she bends over, and her vagina is exposed to the camera. VICTIM turns around towards the camera and exposes her breasts to the camera. VICTIM eventually puts a pair of pajama pants and a sports bra on and leaves the room at 8 minutes and 54 seconds.

At 9 minutes and 20 seconds, JAMES comes into the bedroom, leaves the light off and grabs the camera and turns the recording off.

Video # 13

File name: IMG_3161.MOV

Created: 2/3/2024 11:13:29 PM(UTC+0)

Accessed: 2/3/2024 11:13:29 PM(UTC+0)

Description: This video is 14 minutes and 11 seconds long. The video starts out pointed towards VICTIM's carpet. The recording device then moves around, and it appears JAMES is trying to set it up in a different location. At 12 seconds JAMES says to himself "How the fuck am I going to get it out of here?" At about 15 seconds, JAMES places the recording device down and based on what I know the room looks like, he places the recording device behind the television. This video is taken in February 2024 shortly after VICTIM's sister moves out of her

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house. Because of the move, the bedroom is set up in a different fashion, so JAMES has to improvise and find a new place to put his hidden recording device.

At 2 minutes and 40 seconds JAMES comes back into the room to check the camera location then leaves.

At 9 minutes and 18 seconds, you hear a change in noise and hear a door close. VICTIM then walks into the bedroom wearing a blue towel around her body. She walks over to the head of her bed and starts playing with her cellphone. She walks over to the dresser and places her cellphone down directly in front of the recording device. I later showed VICTIM's mother, BCB, an image of the cellphone and she identified the cellphone in the photograph from the video as VICTIM's. VICTIM, while standing in front of the recording device, removes the towel and bends over exposing her breasts and vagina to the camera. She walks to the front of the bed and turns on her television exposing her breasts and vagina to the camera. She walks over to the dresser and while standing directly in front of the camera her vagina is completely exposed to the hidden camera, VICTIM plays with her cellphone for a bit then grabs some clothing out of the dresser and walks off camera. She comes in and out of view two times, exposing her vagina to the camera both times. Eventually VICTIM puts other clothing on and leaves the room at 13 minutes and 0 seconds.

At 13 minutes and 47 seconds, JAMES comes into the bedroom and grabs the recording device. He walks around with it in the kitchen area before shutting it off.

All times are approximate in the above descriptions.

Based on the analysis of all the videos, JAMES BAUMGARTEN used an Apple iPhone XS, which is registered to him, to secretly record his step-daughter, VICTIM, in her bedroom. JAMES set up the iPhone in a way so that it was hidden from view and could not be seen by VICTIM. JAMES set the camera up and when VICTIM was done in her bedroom JAMES retrieved the cellphone.

Based on this investigation and Jail phone calls, it is believed that while JAMES was allowed to pack a bag to leave his residence on May 2, 2024, he secretly hid a cellphone in a jacket pocket to thwart Law Enforcement of discovering the cellphone, knowing what was on it. During jail calls, JAMES asks RODNEY L BAUMGARTEN to get multiple items out of his Chevrolet Silverado which was in his driveway. After RODNEY retrieves the items, JAMES asks specifically about US currency and asked about a cellphone in the jacket pocket. RODNEY tells JAMES there was no US currency or cellphone in the jacket pocket. JAMES became upset at this news.

Based on the foregoing, the complainant believes this complaint to be true and correct.

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Subscribed and sworn to before me on 05/24/24

Electronically Signed By:

Maggie R Crawford

Assistant District Attorney

State Bar #: 1115566

Electronically Signed By:

Meranda Hillmann

Complainant