

FILED

MAY 24 2013

CLIFFORD J. PROUD
U.S. MAGISTRATE JUDGE
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES K. FOGARTY,)
)
 Defendant.)

CASE NUMBER: 13-M-6025-CJP

CRIMINAL COMPLAINT

I, Joseph R. Murphy, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

From on or about March 1, 2013, through on or about May 23, 2013, within the Southern District of Illinois,

JAMES K. FOGARTY,

defendant herein, knowingly and intentionally distributed and possessed with intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II narcotic controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

I further state that I am a Special Agent of the Federal Bureau of Investigation (FBI) and that this complaint is based on the following facts:

AFFIDAVIT

Your Affiant, Joseph R. Murphy, is a Special Agent of the Federal Bureau of Investigation (FBI) and has been employed for fifteen years. Prior to joining the FBI, I had eight years of prior law enforcement experience as a police officer and detective with the Metropolitan Police Department, City of St. Louis, Missouri. I am currently assigned to the Springfield Division of

the FBI, Fairview Heights Resident Agency (FVHRA), Metro-East Public Corruption Task Force (MEPCTF), and as such am vested with the authority to investigate violations of federal criminal laws, including Titles 18 and 21, United States Code.

The following information is based on my personal knowledge, and conversations with other law enforcement.

The facts and information are being provided as probable cause in support of an application for a complaint and arrest warrant for a James K. Fogarty, but in no way comprise a complete rendition of all of the facts revealed in this investigation to date.

On May 22, 2013, James Fogarty was interviewed by Agents at his residence. Agents advised Fogarty that Judge Michael Cook had been arrested at a house with drugs. Fogarty commented "he's fucked". Fogarty was asked if he knew Judge Cook. Fogarty acknowledged that he knew Judge Cook. Fogarty was asked about Judge Joe Christ. Fogarty acknowledged that he knew Judge Christ. Fogarty was asked if he knew about any drug usage by these judges.

Fogarty initially stated Judge Christ did not do drugs. Fogarty later advised that he had knowledge Judge Christ was doing "coke" (a drug term used for Cocaine). Fogarty advised that Judge Christ did cocaine on the weekends. Fogarty admitted to using cocaine with Judge Christ. Fogarty was asked about any personal drug use and/or any further knowledge regarding Judges Christ and Cook's drug use.

Fogarty told Agents that he smoked marijuana in college. Fogarty began using "coke" approximately four to five years ago. Later, Fogarty told Agents that he has used cocaine for ten years. Fogarty's last use of cocaine was two weeks ago.

In the past, a guy named "Bucky" Reamer would deliver the cocaine to his house. Fogarty, Judges Christ and Cook, and his brother-in-law would use cocaine. Judges

Christ and Cook also bought cocaine from Fogarty. Fogarty estimated that Judge Cook had been to his residence 15-20 times and used cocaine at his residence approximately ten times. Cocaine was also used on golf outings, and Fogarty recalled one incident doing cocaine at Judge Cook's cabin (hunting lodge located in Pike County, IL) with both judges. Fogarty believed he had been to Judge Cook's cabin twice. Fogarty stopped using Reamer when he got "ripped off" (Reamer provided 'fake' drugs instead of real cocaine). Fogarty has purchased cocaine since his split from Reamer from several persons.

Fogarty recalled that a week before Judge Christ died, they purchased a half of an eight-ball of cocaine. Fogarty believes cocaine was bought the day before Christ, and Cook went up to the cabin. However, Fogarty did not know at the time Christ and Cook were headed to the cabin. Fogarty advised they split an eight-ball of cocaine for \$280.00. The coke would have been purchased from a known source of Fogarty's. Fogarty has been purchasing (and re-selling) cocaine from this source for the last couple of months (the time frame of this complaint). Fogarty remembered hoping it wasn't an over-dose when he heard Christ had died.

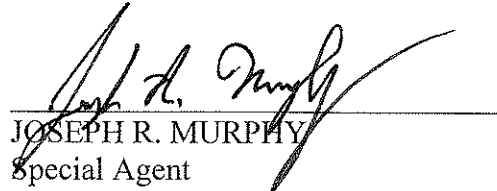
Fogarty recalled he talked to Judge Cook 3-4 days after Christ's death. Fogarty talked to Cook in his chambers at the St. Clair County Court Building. Cook told Fogarty he heard a bang and went to the bathroom in the cabin. There, he found that Christ was dead.

On May 23, 2013, during a follow-up interview, Fogarty provided the following statement regarding the purchase of cocaine that he believed occurred around the day before Christ and Cook went to the cabin. Fogarty bought an eight-ball of cocaine for \$275.00 from the previously-described known source. Fogarty, Christ, and Cook "did a line" (drug term used for snorting cocaine). Fogarty then split the remainder of the eight-ball and gave it to Christ and Cook. They each gave him \$140. Fogarty placed the remainder of the eight-ball that he gave to

Christ and Cook in a sno-seal (a small envelope made by folding a square piece of paper often used for carrying powdered drugs such as cocaine). Fogarty made \$5.00 off the deal. Fogarty reaffirmed that he and Judge Cook never talked about them (Christ and Cook) doing drugs at the cabin when Christ died.

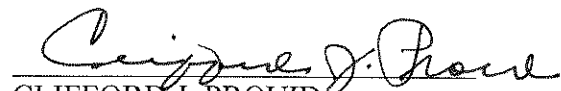
Based on the aforementioned information, it is believed by your affiant that James K. Fogarty has possessed with intent to distribute and distributed cocaine, and in doing so violated Title 21, United States Code, Section 841, for which a Federal Arrest Warrant is sought.

FURTHER AFFIANT SAYETH NAUGHT.


JOSEPH R. MURPHY
Special Agent
Federal Bureau of Investigation

State of Illinois)
) SS.
County of St. Clair)

Sworn to before me, and subscribed in my presence on the 24th day of May, 2013, at East St. Louis, Illinois.


CLIFFORD J. PROUID
United States Magistrate Judge

STEPHEN R. WIGGINTON
United States Attorney


JAMES L. PORTER
Assistant United States Attorney