

P3

THE STATE OF TEXAS
VS.
KODY CALEB SMITH
3300 PEBBLEBROOK DR APT: 22
SEABROOK TX

SPN: **03279725**
DOB: **W M 11/09/1989**
DATE PREPARED: **03/05/2025**

D.A. LOG NUMBER: **3134804**
CJIS TRACKING NO.:
AGENCY: **LPD**
O/R NO: **2500239**
ARREST DATE: **TO BE**

NCIC CODE: **3704 69**

RELATED CASES:

FELONY CHARGE: **Possession of Child Pornography**

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

COURT ORDERED BAIL:
PRIOR CAUSE NO:
CHARGE SEQ NUM: **3**

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **KODY CALEB SMITH**, hereafter styled the Defendant, heretofore on or about **January 23, 2025**, did then and there unlawfully, intentionally and knowingly possess visual material that contains, namely, film or videotape, that visually depict a child younger than eighteen years of age, at the time that the image was made, who was engaging in sexual conduct, namely, conduct prohibited by Section 22.011 (Sexual Assault) of the Texas Penal Code, to wit: a digital video, and the Defendant knew that the visual material depicted a child engaging in said sexual conduct.

Probable Cause

On January 23, 2024, Affiant was assigned to investigate a report of online possession / promotion of child pornography. Affiant, due to his relationship with H.M.I.C.A.C., assists dozens of local and state law enforcement agencies involving cases of child exploitation. Some of the cases which Affiant investigates derive from what are classified or categorized as "Cyber Tips". Cyber Tips for Harris County Texas are received from the National Center for Missing and Exploited Children (N.C.M.E.C.) and routed to the H.M.I.C.A.C. which is based in Houston Texas. Once geographical jurisdiction over the entity or platform that sent or received illegal content is confirmed, the case is assigned to investigator(s) for that jurisdiction.

Affiant received Cyber Tip #182227076 from Houston Police Officer Miriam Gonzalez, who is also a credible and reliable Texas Peace Officer and a case assignment coordinator for H.M.I.C.A.C. Officer Gonzalez conducted a preliminary investigation into Cyber Tip #182227076 and determined the proper jurisdiction to be the City of La Porte. Affiant reviewed subpoena return information on this tip which showed the CSAM video files were downloaded using IP address of "99.190.178.46". From returned information on that subpoena, the residential service address for that IP number showed to be 103 Wedgewood Trace Lane in La Porte, Harris County Texas, 77571. The case was assigned to Affiant for further investigation into the possession, manufacture, or distribution of child pornography. Affiant learned from logging into this assignment that four (4) additional cyber tips had been initiated and linked to this Main Cyber Tip #182227076. Affiant also learned that Officer Gonzalez had contacted legal personnel at Yahoo Inc. and submitted a preservation request for the user email account of kodysmith1189@yahoo.com, as it was discovered from this Primary Cyber Tip that this user's email was utilized to facilitate the upload / download of approximately (4) images depicting child exploitation material on or about December 21, 2023, which then became the genesis of the Cyber Tip. Affiant observed the following associated Cyber Tips attached to this investigation as follows:

Cyber Tip #184280783 was initiated by Yahoo Inc. on or about January 12, 2024, when Yahoo Inc.'s "E-Crime Investigations Team" (ECIT) had conducted further investigation into the email account holder of kodysmith1189@yahoo.com and through open source records, identified him to possibly be employed as a physical education teacher at the Bayshore Elementary School in La Porte, Harris County Texas. Affiant observed this investigation by Yahoo revealed Kody Smith to also have access to three (3) small children who appeared to be his. Affiant reviewed records attached to this secondary Cyber Tip that had identified Kody Smith through records of his employment with the La Porte Independent School District as well as his personal Facebook social media page.

Cyber Tip #127769838 was initiated by MediaLab / KIK, (a social media platform) on or about July 8, 2022, when six (6) videos of CSAM were downloaded on the platform by a user account identified to be "rbiggs1989_ofk". Affiant reviewed details of that investigation which revealed the IP address associated with the downloads to be the same "99.190.178.46".

Cyber Tip #125798769 was initiated by MediaLab / KIK, (a social media platform) on or about May 23, 2022, when four (4) videos of CSAM were downloaded on the platform by a user account identified to be "rbiggs2620_sdo". Affiant reviewed details of that investigation which revealed the IP address associated with the downloads to be the same "99.190.178.46".

And finally, Cyber Tip #121422885 was initiated by MediaLab / KIK, (a social media platform) on or about April 22, 2022, when fifty-five (55) videos of CSAM were downloaded on the platform by a user account identified to be "rbiggs2026_skw". Affiant reviewed details of

that investigation which revealed the IP address associated with the downloads to be the same "99.190.178.46".

Affiant learned that many of the total of sixty-nine (69) files in these five Cyber Tip investigations were uploaded from the Internet Protocol (IP) address "99.190.178.46". An IP address works, theoretically, as a digital version of your home address, where the service is utilized to access the internet. Affiant personally reviewed the 69 files associated with these Cyber Tips and found the files to contain images of young prepubescent and infant children, with their genitalia exposed and some of the children engaged in sexual acts with adults.

Affiant learned from Administrative Subpoenas issued by Houston Police Officer Miriam Gonzalez that the IP Address used in the above listed Primary Cyber Tip (182227076) investigation showed have been accessed and utilized from a AT&T U-Verse account-holder, Account number 313458251; an account registered under the name of Cody Smith; showing the service address to be 103 Wedgewood Trace Lane in La Porte, Harris County Texas, 77571; and showing an account-holder's phone contact number to be (512) 971-8577.

Affiant then checked the name of Kody Caleb Smith in the Texas Department of Public Safety's Driver's License image retrieval web site. A record was found for an exact name match of Kody Caleb Smith, a White Male born on November 8, 1989 under Texas Driver's License number 24124896, which showed a current residential address of 103 Wedgewood Trace Lane in La Porte, Harris County Texas, 77571, an exact match to the residential service address for the AT&T U-Verse account where the above listed CSAM files were downloaded. The DPS license file also displayed an image of the license holder which was taken on or about May 28, 2021. Affiant noticed the person depicted in that license file was similar in appearance to the images seen by Affiant in Cyber Tip #184280783, in the investigative files obtained from Yahoo Inc. which showed images of Kody Smith from his personal Facebook social media account.

Affiant conducted additional open-source record checks for Kody Caleb Smith using IDICore platforms. Records from that source indicated that Kody Caleb Smith showed a current residential address of 3300 Pebblebrook Drive, unit number 22 in Seabrook, Harris County Texas, 77586. The same records revealed to Affiant that Smith showed a current phone number to be (512) 971-8577, the same number matching other source records shown to have been associated with the (69) file downloads of CSAM.

Affiant and members of Affiant's Criminal Investigations Division then began to conduct covert surveillance at the Pebblebrook Drive address in January of 2025. Affiant personally observed Kody Caleb Smith entering and exiting unit #22 at the Pebblebrook address. On January 29, 2025, Affiant executed a search warrant at Smith's Seabrook condominium residence. Affiant contacted Smith and Smith agreed to participate in a video-recorded non-custodial interview. Affiant confronted Smith about the CSAM file downloads and Smith confessed to downloading such files. Smith told Affiant that Smith had been downloading CSAM files for nearly three years and, from Smith's own estimate, had downloaded approximately 200 CSAM files, give or take. Smith also admitted to Affiant that he used several different KIK user ID's to participate in the downloads. Smith confirmed to Affiant that he also utilized his personal email address of kodysmith1189@yahoo.com to store the files which he admitted to during that interview to have since deleted.

Affiant seized two (2) phones from Smith and his residence, along with two (2) laptop computers, one found inside the condominium residence, and one found inside Smith's vehicle. Affiant obtained additional search warrants to forensically examine and have data extracted from the devices. Affiant learned from those forensic examinations that an additional eight (8) files of child pornography were found on Smith's personal phone, bringing the total files found in Smith's possession to be seventy-seven (77). Affiant has personally reviewed all files associated to Smith and his admission to downloading them. Three of the most egregious files have been listed below in detail:

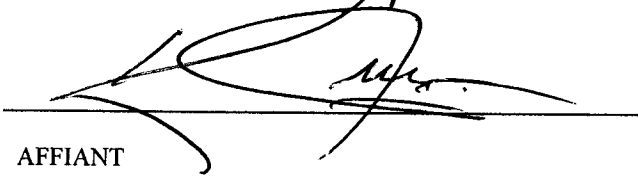
1. File name: "2cd0796e4e19282c697f56fae607f71a". This file depicts a split screen upon its start which shows that the file may have been downloaded from "Omggle.com". The top portion of the screen depicts a young female child apparently watching a video which is depicted in the lower, split screen. The lower portion of the video depicts a small female child who is clearly under the age of 5 years, standing and dressed only in a diaper. An adult male is seen standing in front of the child with an erect penis. The male is seen forcing his erect penis into the child's mouth with one hand, and using the other hand to force the child's head to move back-and-forth on his penis, causing oral copulation. The video is a two-part video and the first part described above was approximately 11 seconds in duration.
 - a. The second part of the video starts in similar fashion as the first, a split screen with two prepubescent female children watching a video which is depicted in the bottom portion of the split screen. The bottom portion again shows a young female child standing in front of an adult male with an erect penis. The child is clothed. The child is seen grabbing the adult male's penis with her hand and inserting it into her mouth. The child's head is then seen moving back-and-forth performing oral copulation on the male's penis. This section of the video was approximately 19 seconds in duration.
2. File name: "30b93e0e39e0f36919ee211c8a0036". This file depicts a female child under the age of 10 sitting naked atop an adult male, also naked, lying atop a bed. The adult male is seen penetrating the anus of the female child with his erect penis and performing deviate sexual intercourse (anal sex) on the child. The video appears as if the male perpetrator is recording the deviate sexual intercourse himself with a hand-held device. The child is seen defecating feces onto the male's penis as she is being penetrated. The file was approximately 2:00 minutes in duration.
3. File name: "523216ef96b995ba8c1ed23742798737". This file depicts, upon opening, a small female child under the age of 10 performing oral sex on what appears to be an adult male's erect penis. The video then changes and shows the male penetrating a small female child anally as the child is lying on her back and the male is on his knees in front of the female child. The video then shows the young female child's face as an adult male's erect penis is seen by the child's mouth. The child is then seen opening her mouth and the second adult male inserts his erect penis into the child's mouth, forcing the child to perform oral sex. The video then goes back-and-forth from the first male anally penetrating the female child to the second adult male forcing the female child to perform oral sex. The file was

approximately 2:00 minutes in duration.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Signed and sworn by me on 3/5/2025

Duly attested by me on March 5, 2025



Timothy Boman

AFFIANT

Assistant District Attorney
Harris County District Attorney's Office
TBC No. 24107635



Witness (Peace Officer)

JOSE C Saldivar 029

Witness Printed name & Badge or Payroll number

COMPLAINT

D.A. LOG NUMBER: 3134804
DEFENDANT: **KODY CALEB SMITH**

Unofficial Copy Office of Marilyn Burgess District Clerk

FILED
Marilyn Burgess
District Clerk

Time: MAR 05 2025

By _____
Harris County, Texas
Deputy