United States District Court

SOUTHERN DISTRICT OF INDIANA

Sealed

UNITED STATES OF AMERICA

v.

BUSTER HERNANDEZ

CRIMINAL COMPLAINT

CASE NUMBER: 1:17-mj-00661-

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

Count One: From on or about between September 4, 2014, to on or about January 22, 2016, within the Southern District of Indiana, and elsewhere, BUSTER HERNANDEZ, sexually exploited Victim 1, a child who is less than 12 years of age, by using her to create visual depictions of a minor engaging in sexually explicit conduct, in violation of Title 18, United States Code, Section 2251(a);

Count Two: On or about December 17, 2015, within the Southern District of Indiana, and elsewhere, BUSTER HERNANDEZ, used an instrument of interstate commerce, willfully made a threat, or maliciously conveyed false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate, any individual or unlawfully to damage or destroy any building, or other real or personal property by means of fire or an explosive, in violation of Title 18, United States Code, Section 844(e); and

Count Three: On or about December 17, 2015, within the Southern District of Indiana, and elsewhere, BUSTER HERNANDEZ, transmitted in interstate commerce a communication containing a threat to injure the person of another, in violation of Title 18, United States Code, Section 875.

I further state that I am a Special Agent, and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof.

Special Agent Andrew D. Willmann, FBI

Sworn to before me, and subscribed in my presence

August 1, 2017
Date

at Indianapolis, Indiana

Craig McKee, U.S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

UNDER SEAL

AFFIDAVIT

I, Andrew Willmann, Special Agent with the Federal Bureau of Investigation ("FBI"), being first duly sworn, hereby depose and state as follows:

1. **Affiant**: I have been a Special Agent with the FBI, and have been since June 2014. I am currently assigned to the Indianapolis Violent Crimes Against Children Task Force. While employed by the FBI, I have investigated federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography.

2. **Training:** I have attended the Crimes Against Children Conferences in Dallas, Texas, and have taken classes related to 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.

3. **Information provided**: The statements in this affidavit are based in part on information provided other FBI Special Agents as well as other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a Complaint and Arrest Warrant, I have not included each and every fact known to me concerning this investigation.

4. **Requested action**: I make this affidavit in support of a Criminal Complaint and Arrest Warrant charging **Buster Hernandez** with Count 1: **Sexual Exploitation of a Child**, from on or about between September 4, 2014, to on or about January 22, 2016, in violation of Title 18, United States Code, Section 2251(a); Count 2: **Threats to Use an Explosive Device**, on or about December 17, 2015, in

violation of Title 18, United States Code, Sections 844(e), and Count Three: **Threats to Injure**, on or about December 17, 2015, in violation of Title 18, United States Code Section 875.

5. **Probable Cause:** For the reasons listed below, there is probable cause to believe that **Buster Hernandez** ("**Hernandez**"), DOB xx-xx-1990 (known to affiant, but redacted) has committed the following offenses in the Southern District of Indiana and elsewhere: **Count 1: Sexual Exploitation of a Child**, from on or about between September 4, 2014, to on or about January 22, 2016, within the Southern District of Indiana, and elsewhere, **Hernandez**, sexually exploited Victim 1, a child who is less than 12 years of age, by using her to create visual depictions of a minor engaging in sexually explicit conduct, in violation of Title 18, United States Code, Section 2251(a); **Count 2**: **Threats to an Use Explosive Device**, on or about December 17, 2015, within the Southern District of Indiana, and elsewhere, **Hernandez,** used an instrument of interstate commerce, willfully made a threat, or maliciously conveyed false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate, any individual or unlawfully to damage or destroy any building, or other real or personal property by means of fire or an explosive, in violation of Title 18, United States Code, Sections 844(e), and **Count Three**: **Threats to Injure**, on or about December 17, 2015, **Hernandez**, transmitted in interstate commerce a communication containing a threat to injure the person of another, in violation of Title 18, United States Code Section 875.

6. **Sexual Exploitation of a Child / Attempted Sexual Exploitation of a Child:** This statute provides that "Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed." 18 U.S.C. § 2251(a). It is also a crime to attempt to sexually exploit a child. 18 U.S.C. § 2251(e).

7. **Threats to Use an Explosive Device:** This statute provides that any person who, through the use of an instrument of interstate commerce, willfully makes a threat, or maliciously conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate, any individual or unlawfully to damage or destroy any building, or

other real or personal property by means of fire or an explosive, shall be imprisoned for not more than 10 years or fined under the title, or both. 18 U.S.C. § 844(e).

8. **Threats to Injure**: This statutes provides that whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both. 18 U.SC. § 875.

I. Probable Cause

A. Background Information Concerning the Internet, Internet Protocol Addresses, and the TOR Network

9. Law enforcement agents and I have learned the following about the Internet, Internet Protocol Addresses, and the Tor anonymity network:

a. The Internet is a collection of computers and computer networks which are connected to one another via high-speed data links and telephone lines for the purpose of communicating and sharing data and information. Connections between Internet computers exist across state and international borders; therefore, information sent between two computers connected to the Internet frequently cross state and international borders even when the two computers are located in the same state.

b. Internet Service Providers ("ISPs"): Most individuals and businesses obtain access to the Internet through businesses known as Internet Service Providers. ISPs provide their customers with access to the Internet using telephone or other telecommunications lines; provide Internet e-mail accounts that allow users to communicate with other Internet users by sending and receiving

electronic messages through the ISPs' servers; remotely store electronic files on their customers' behalf; and may provide other services unique to each ISP.

c. Internet Protocol Address ("IP address"): The Internet Protocol Address is a unique numeric address used to identify computers on the Internet. An IP address looks like a series of four numbers, each in the range of 0-255, separated by periods (e.g., 121.56.97.178). Every computer (or group of computers using the same account to access the Internet) attached to the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer is directed properly from its source to its destination. An IP address acts much like a home or business street address – it enables Internet sites to properly route traffic to each other. There are two types of IP addresses – dynamic and static.

d. Dynamic IP address. Most of the larger ISPs such as Comcast or AT&T control blocks of IP addresses to assign their customers. Although there may be thousands of IP addresses within these blocks, there are not enough to enable larger ISPs to assign one, permanent IP address to each of their millions of customers. Therefore, these ISPs use dynamic IP addressing: Each time a user dials into the ISP to connect to the Internet, the ISP randomly assigns to that customer one of the available IP addresses in the range (or block) of IP addresses controlled by the ISP. The customer's computer retains that IP address for the duration of that session alone. Once he disconnects from the Internet, that IP address becomes available to other customers who dial in at a later time.

e. Static IP address. A static IP address is an IP address that is assigned permanently to a given computer on a network. A customer of an ISP that assigns static IP addresses will have the same IP address every time. Customers who are connected to the Internet via high-speed cable or Digital Subscriber Lines (DSL) are often assigned static IP addresses because their computers have full-time Internet access. In this case, the Target Subscriber is a static IP address that is assigned to a DSL line connected to a computer located in the Los Angeles, California area.

f. Domain Name System: IP addresses generally have corresponding domain names; the Domain Name System ("DNS") is an Internet service that maps domain names, such as the domain name "cybercrime.gov," to their corresponding IP address (e.g., 128.121.13.121). This mapping function is performed by DNS servers located throughout the Internet. In general, a registered domain name should resolve to a numerical IP address.

g. File Transfer Protocol ("FTP") is a communication protocol for transferring files between computers connected to the Internet.

h. Ports: All computers connected to the Internet have 65,535 available ports through which electronic communications could enter or exit, depending on the computer's configuration. There are agreed-upon standard ports used for common types of communications. For instance, most computers are configured to send and receive web messages on port 80; e-mail traffic on port 25; and file transfers via file transfer protocol (FTP) on port 21. Therefore, in addition to

directing an electronic communication to a particular IP address, an Internet user (or computer) may also designate the port of the computer assigned that IP address through which the electronic communication should enter.

i. Log Files are computer files containing information regarding the activities of computer users, processes running on a computer and the activity of computer resources such as networks, modems, and printers.

j. The Tor network is designed specifically to facilitate anonymous communication over the Internet. In order to access the Tor network, a user must install Tor software either by downloading an add-on to the user's web browser or by downloading the free "Tor browser bundle" available at www.torproject.org.

k. Use of the Tor software bounces a user's communications around a distributed network of relay computers run by volunteers all around the world, thereby masking the user's actual IP address which could otherwise be used to identify a user. Because of the way Tor routes communications through other computers, traditional IP identification techniques are not viable.

l. When a user on the Tor network accesses a website, for example, the IP address of a Tor "exit node," rather than the user's actual IP address, shows up in the website's IP log. An exit node is the last computer through which a user's communications were routed. There is no practical way to trace the user's actual IP address back through that Tor exit node IP address.

m. A criminal suspect's use of Tor accordingly makes it extremely difficult for law enforcement agents who are investigating a Tor Hidden Service to detect the users' actual IP addresses or physical locations.

n. Similarly, an anonymous proxy is defined as a tool that attempts to make activity on the Internet untraceable. It is a proxy server computer that acts as an intermediary and privacy shield between a client computer and the rest of the Internet.

o. Finally, 4chan is an English-language image board website. 4chan is split into various boards with their own specific content and guidelines. 4chan has a registration system that allows users to post on the board anonymously. If a user posts without creating a nickname, the post is automatically attributed to "Anonymous." Accordingly, the general understanding on 4chan is that "Anonymous" is not a single person, but rather, a collective of users.

p. Based on my training and experience, users choose 4chan because it allows for anonymous message boarding. As set forth above, because registration is not required, specific posts cannot be attributable or traceable to a particular individual. As a result, numerous topics are discussed on 4chan, including topics that concern illegal activities such as sexual interest in children, terrorist activities, and illicit drug distribution.

B. Background of the "Brian Kil" Investigation

10. Since in or around December 2015, law enforcement has been investigating the criminal activities of an unknown subject known most frequently

as "Brian Kil." As set forth in more detail below, I believe that the unknown subject using the moniker "Brian Kil", and others, has victimized minors in at least ten federal districts. I further believe, based upon my training and experience, and the investigation in this case, that "Brian Kil" is **Buster Hernandez**.

11. Based on the investigation to date, "Brian Kil" uses the following methods to obtain or attempt to obtain child pornography:

a. Using various social medial accounts, "Brian Kil" contacts random individuals (typically minors) by sending a private messages, and saying, for example, "Hi 'Victim Name,' I have to ask you something. Kinda important." "Brian Kil" then asks the prospective victim, "How many guys have you sent dirty pics to cause I have some of you?" The prospective victim either ignores "Brian Kil" or engages in further conversation.

b. If the potential victim responds, "Brian Kil" tells her to send more nude/sexually explicit images or videos to him, or he would send the nude/sexually explicit images or videos allegedly in "Brian Kil's" possession to the potential victim's friends and family (also known as "sextortion").

c. According to a multi-district investigation, numerous victims (including minor victims) have complied with "Brian Kil's" demands and have sent him images and videos depicting the victims engaging in sexually explicit conduct. Once he receives the images and videos, "Brian Kil" continues to extort the victim, until she refuses to comply. At that point, "Brian Kil" typically posts the sexually

explicit images or videos of the victim online, or sends them to the victim's friends and family via the Internet.

d. In each instance, "Brian Kil" has, until now, successfully masked the true location of his Internet Protocol ("IP") address by using the Tor Network.

C. "Brian Kil" Obtains Child Pornography from Victim 1 through "Sextortion"

12. On December 17, 2015, the Brownsburg Police Department contacted the FBI and asked agents to assist in the investigation of an individual calling himself "Brian Kil" who was attempting to extort a minor female (hereinafter "Victim 1")[1] by employing non-physical forms of coercion to extort sexual favors from Victim 1.

13. Victim 1 resides in Plainfield, Indiana, which is within the Southern District of Indiana.

14. "Brian Kil" was using Facebook to communicate with Victim 1. According to Victim 1, and as confirmed by the FBI, for a period of approximately 16 months, Victim 1 sent Brian Kil numerous images and videos depicting Victim 1 engaged in sexually explicit conduct (Child Pornography) or images and videos that met the definition of child erotica, as a result of "Brian Kil's" sextortion.

15. Based on the investigation to date, including information received pursuant to search warrants to Facebook and messages from "Brian Kil," the user

[1] Unless otherwise identified in actual Facebook postings, this application redacts the true name of Victim 1, which is known to agents.

identified as "Brian Kil" intentionally opened new Facebook accounts to disguise his location and identity.[2]

16. On or about December 17, 2015, "Brian Kil" then posted on his current Facebook account multiple images of Victim 1 in various states of undress and in erotic poses:

A. Image depicts Victim 1 wearing black pants and a pink bra. Victim 1's face is not visible in the photo. She is holding onto her breasts with both hands.

B. Image depicts Victim 1 nude, except for red panties, in what appears to be a bedroom. She is standing sideways but looking at the camera and posing provocatively. Her breasts have been blocked out using photo editing software.

C. Image depicts Victim 1 wearing pink shorts and a multi-colored shirt, standing in what appears to be a bathroom. One hand is on her hip while the other hand lifts up her shirt, exposing her breast.

17. "Brian Kil" also posted the following messages:

"(your time is running out. You though the police would find me by now but they didn't.they have no clue. The police are useless. Some of you went and reported this and NOTHING happened. The time is nearly here I'm shaking in excitement. I want to leave a trail of death and fire and Plainfield. I will simply WALK RIGHT IN UNDETECTED TOMORROW. Once in I will

[2] The screenshots referenced in this Affidavit were posted publicly by Kil, and thus, were available to anyone with a Facebook account. The email sent to Victim 1 on May 25, 2016, set forth in this Affidavit, was provided by Victim 1. As set forth herein, law enforcement officers have also obtained search warrants for numerous Facebook accounts used by Brian Kil.

wait a few classes before I start my assault. I'm coming for you [Victim 1]. You're fucking dead you slutty bitch. I will slaughter your entire class and save you for last. I will lean over you as you scream and cry and beg for mercy right before I slit your fucking throat ear from ear. The rest of you will be picked off as you try to run away. Im coming. Believe that. I'd love to see the police try and intervene if they have the nuts to enter. I'll add a dozen dead police to my tally. FUCKING TRY ME PIGS I WILL FINISH YOU OFF AS WELL.)"

Tomorrow will be a fucking bloodbath at plainfield high. I will open fire on all you sickening pieces of shit.

I have in my possession
3 home made pipe bombs,
2 handguns, and
1 semi auto rifle.

I will be targeting this whore [Victim 1] personally.

I know her exact schedule. I will slaughter EVERY SINGLE Peron who happens to have class with her. After I finish killing this whore [Victim 1] I wil turn my sights on her friends. I will methodically pick you off as you all run for your lives in the crowds. Those that I miss will be be blown to hell with the pipe bombs I set around campus. I plan on leaving no survivors.

If you ever talked to [Victim 1], I swear to god I will put a bullet in your fucking skill. I suggest you stay home tomorrow if you value your life. If you think this is a joke then go to class tomorrow. I dare you. If you think the police have enough time to stop me this late at night then you know nothing about IP addresses.

After I kill her friends I will begin to erase all the faggots and nigger at plainfield. You sucking subhumans are ruining everything for everyone. The world will thank me for removing you all. You faggots will have to answer to God for your sins.

If you want the nudes of [Victim 1] now is the time to get them. I will be gone from this earth tomorrow and so will hundreds of plainfield students."

18. At approximately 4:40 am on December 17, 2015, Brian Kil posted "danville is still open. Maybe I'll settle on some faggots and niggers at Danville."

19. On or about December 17, 2015, school administrators, as a result of the above threats, closed Plainfield and Danville High Schools.

20. On December 17, 2015, a request was made to Facebook for records related to the Facebook account of Brian Kil. Facebook responded with the follow information:

Name: Brian Kil
Email: yuaurajz@eelmail.com
Registration Date: 2015-12-16 20:56:32 UTC
Registration IP: 197.231.221.211

21. A database search for the IP address resolved to an Anonymous Proxy. Based on my training and experience, I know that a proxy server works as sort of a middleman between a personal computer and the Internet. In practice, Anonymous Proxies are used to hide information about a person's personal computer so they can browse the web anonymously. Further research revealed that this IP address was used as a Tor access node on December 16, 2015.

22. On or about December 18, 2015, Victim 1 received the following messages from the user of a Brian Kil Facebook account. The FBI, posing as Victim 1, responded as follows:

Brian Kil (12/18, 10:11am):

ready to give that apoology?

Victim 1 (12/18, 10:13am):

Why do you keep doing this

Brian Kil (10:16am):

what did you think was gonna happen?

Victim 1 (12/18, 10:16am):

What do you want me to apologize for???????

Brian Kil (12/18, 10:17am):

first I want you cunt mother to apologize. Then I probably wont murder you hun.

Your moms got issues. real talk.

Victim 1 (12/18, 10:18am):

What did she do?

Brian Kil (12/18, 10:18am):

you know.

Do you want me to stop and just turn myself in peacefully?

Victim 1 (10:24am):

Well yeah, but why won't you tell me what you really want you keep telling me to apologize and won't tell me what for

Brian Kil (12/18 10:25am):

If you expect me to turn myself in they you guys are gonna have to go and get [Victim 1] to apologize.

my demands where pretty clear.

Your disgusting putrid mother must apologize as well.

I'll laugh when she gets taken down a peg. She honestly thought I could be stopped.

Victim 1 (10:26am):

Why are you obsessed with my mom?

Brian Kil (12/18, 10:27am):

she was rude. I didnt appreciate it.

23. On or about December 18, 2015, Victim 1 received the following messages from a different Facebook account in the name of Brian Kil, account number 100010814987915, and the FBI, posing as Victim 1, responded as follows:

Brian Kil (11:45am)

Will you have your mother apologize to me or not?

Brian Kil (11:55am)
you know why im doing this and deep down you know its 100% justified.
Victim 1 (12:21pm)
How could what youre doing to me ever be justified??????????? Youre ruining my life

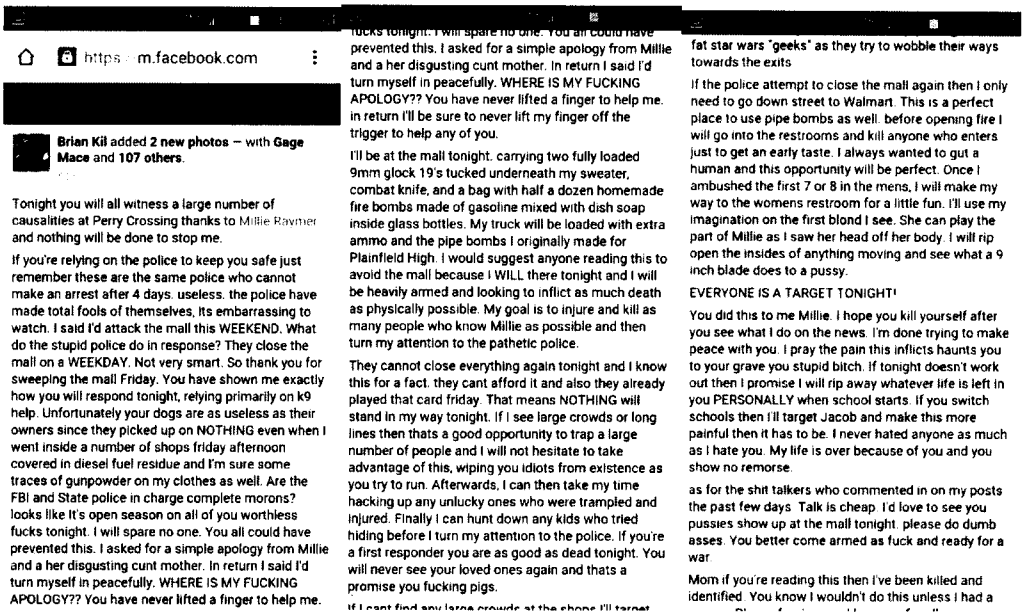
Brian Kil (12:43pm)
I dont know if I ruined your life YET. It's going to get a lot worse.
So what made you decide to have you mom message me?
Why didnt you just talk to me directly if you had a problem? i dont understand.

Brian Kil (12:56pm)
Can you answer that one? I kinda wanna know what happened... last week what made you decide to hand your phone to your mom and have her talk a bunch of shit towards me???? Why didnt you just talk to me directly with whatever problem you had?

Victim 1 (12:57pm)
you were scaring me

Brian Kil (12/18, 12:58pm)
what did i say that scared you?

24. On or about December 20, 2015, the user identified as "Brian Kil," posted the following on Facebook account 100010957772926:



https m.facebook.com

Brian Kil added **2 new photos** — with **Gage Mace** and **107 others**.

Tonight you will all witness a large number of causalities at Perry Crossing thanks to Millie Rayner and nothing will be done to stop me.

If you're relying on the police to keep you safe just remember these are the same police who cannot make an arrest after 4 days. useless. the police have made total fools of themselves, its embarrassing to watch. I said I'd attack the mall this WEEKEND. What do the stupid police do in response? They close the mall on a WEEKDAY. Not very smart. So thank you for sweeping the mall Friday. You have shown me exactly how you will respond tonight, relying primarily on k9 help. Unfortunately your dogs are as useless as their owners since they picked up on NOTHING even when I went inside a number of shops friday afternoon covered in diesel fuel residue and I'm sure some traces of gunpowder on my clothes as well. Are the FBI and State police in charge complete morons? looks like it's open season on all of you worthless fucks tonight. I will spare no one. You all could have prevented this. I asked for a simple apology from Millie and a her disgusting cunt mother. In return I said I'd turn myself in peacefully. WHERE IS MY FUCKING APOLOGY?? You have never lifted a finger to help me. in return I'll be sure to never lift my finger off the trigger to help any of you.

I'll be at the mall tonight. carrying two fully loaded 9mm glock 19's tucked underneath my sweater, combat knife, and a bag with half a dozen homemade fire bombs made of gasoline mixed with dish soap inside glass bottles. My truck will be loaded with extra ammo and the pipe bombs I originally made for Plainfield High. I would suggest anyone reading this to avoid the mall because I WILL there tonight and I will be heavily armed and looking to inflict as much death as physically possible. My goal is to injure and kill as many people who know Millie as possible and then turn my attention to the pathetic police.

They cannot close everything again tonight and I know this for a fact. they cant afford it and also they already played that card friday. That means NOTHING will stand in my way tonight. If I see large crowds or long lines then thats a good opportunity to trap a large number of people and I will not hesitate to take advantage of this, wiping you idiots from existence as you try to run. Afterwards, I can then take my time hacking up any unlucky ones who were trampled and injured. Finally I can hunt down any kids who tried hiding before I turn my attention to the police. If you're a first responder you are as good as dead tonight. You will never see your loved ones again and thats a promise you fucking pigs.

fat star wars "geeks" as they try to wobble their ways towards the exits

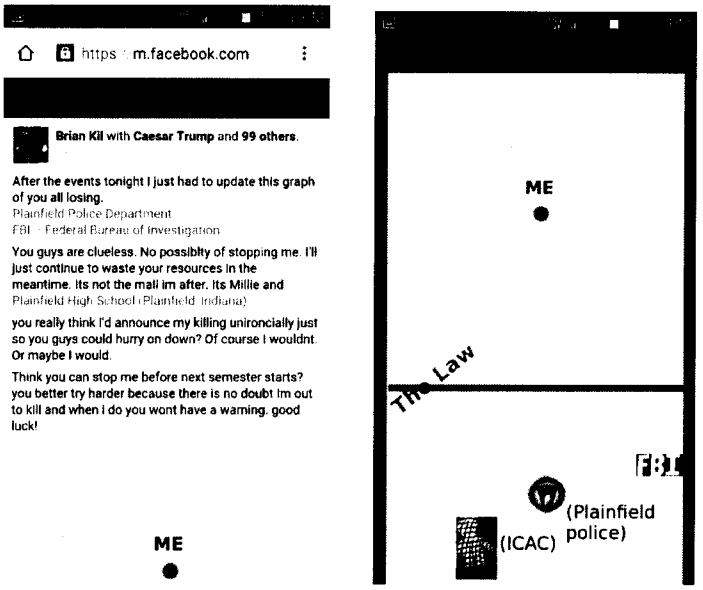
If the police attempt to close the mall again then I only need to go down street to Walmart. This is a perfect place to use pipe bombs as well. before opening fire I will go into the restrooms and kill anyone who enters just to get an early taste. I always wanted to gut a human and this opportunity will be perfect. Once I ambushed the first 7 or 8 in the mens, I will make my way to the womens restroom for a little fun. I'll use my imagination on the first blond I see. She can play the part of Millie as I saw her head off her body. I will rip open the insides of anything moving and see what a 9 inch blade does to a pussy.

EVERYONE IS A TARGET TONIGHT!

You did this to me Millie. I hope you kill yourself after you see what I do on the news. I'm done trying to make peace with you. I pray the pain this inflicts haunts you to your grave you stupid bitch. If tonight doesn't work out then I promise I will rip away whatever life is left in you PERSONALLY when school starts. If you switch schools then I'll target Jacob and make this more painful then it has to be. I never hated anyone as much as I hate you. My life is over because of you and you show no remorse.

as for the shit talkers who commented in on my posts the past few days. Talk is cheap. I'd love to see you pussies show up at the mall tonight. please do dumb asses. You better come armed as fuck and ready for a war.

Mom if you're reading this then I've been killed and identified. You know I wouldn't do this unless I had a



https m.facebook.com

Brian Kil with **Caesar Trump** and **99 others**.

After the events tonight I just had to update this graph of you all losing.
Plainfield Police Department
FBI - Federal Bureau of Investigation

You guys are clueless. No possibity of stopping me. I'll just continue to waste your resources in the meantime. Its not the mall im after. Its Millie and
Plainfield High School (Plainfield, Indiana)

you really think I'd announce my killing unironcially just so you guys could hurry on down? Of course I wouldnt. Or maybe I would.

Think you can stop me before next semester starts? you better try harder because there is no doubt Im out to kill and when i do you wont have a warning. good luck!

ME

ME

The Law

FBI

(Plainfield police)

(ICAC)

25. On December 21, 2015, a user of Facebook account Maddie.gile.7 posted a video of Victim 1, which was previously given to Brian Kil by Victim 1, as a result of Brian Kil's successful "sextortion" of Victim 1 beginning on or about September 4, 2014. Brian Kil commented on the video as follows: "I want a new rifle so I can catch [Victim 1] at Plainfield high School –brian." The user posted Victim 1's actual name.

26. On or about December 17, Facebook opened its own investigation into the user of various "Brian Kil" accounts and began taking proactive steps to shut down those accounts upon discovery. Facebook's efforts coupled with "Brian Kil's" attempts to disguise his true identity led to the user "Brian Kil" frequently creating and then disabling varying accounts in order to continue to make threats anonymously. The following Facebook accounts were opened as a result:

Facebook ID	**Account Number**
Lori Harris/Brian Kil	100011001696165
Brian Kil	100011146412030
Brian Kil	100010942786802
Brian Kil	100010933214415
Brian Kil	100010950616854
Brian Kils	100010908127372
Brian Kilmore	100010945808324
Plainfield Massacre	1649536395316734
Plainfield Massacre 2016	421287848077695
brianna.lik	100011039591590

27. The user "Brian Kil" used each of the aforementioned accounts to communicate threats to Victim 1 and various other persons and entities. The threats ranged from threats to kill Victim 1, or to harm other students and first responders in Plainfield, Indiana. The threats also included sexual assaulting minors. The accounts were used during the time period of December 17, 2015, and January 11,

2016. Not all accounts were open at the same time. They were created on a rolling basis replacing existing account as Facebook shut them down.

28. Since January 11, 2016, the following "Brian Kil" accounts were created and used to communicate threats to Victim 1 and various other persons and entities. The threats ranged from threats to kill Victim 1 or students and first responders in Plainfield, Indiana to sexual assault of minors. The accounts were used during the time period of January 11, 2016, to January 27, 2016. Not all accounts were open at the same time.

Facebook ID	**Account Number**
Brian Kil	100011220900183
Brian Kil	100011193034447
Brian Kil	100011205363059
Brian Kil	100011205363059
Brian Kil	100011207402947
Brian Kil	100011128691633
Brianna Kilian	100011065458746
Brian Mil	100011076647516
Bre Harris	100011087956361
Lamarr Raymer	100011136281526
Brian Kil	100011236291342
Brian Kil	100011242984069
Ryan Kel	100011242020988
Brian Kil	100011163790195

29. On or about February 4, 2016, Brian Kil opened new Facebook accounts and used the accounts to send the following message regarding himself and Victim 1:

- The truth about Victim 1, Brian Kil -

Hello. My name is Brian Kil. I am one person and I am male. I'd like to share some stuff with you and clear some stuff up before I leave. I'm going to be 100% honest here. But first let me be very clear. Anyone who thinks I posting this today because I am afraid and the police are close, please fuck off because you are wrong. It would take a miracle to catch me and even if that miracle occurs, I know nothing I say here would change anything anyways. With that being said, I would like to go over a few things I've lied about and explain why I did it. This is directed mostly towards the parents of Plainfield High School (Plainfield, Indiana) students and the hundreds of people in the fb groups, twitter, tumblr, and other forums who actively follow my every post. I know you guys want to know the truth and since I'll never be caught, this is the only way the truth will ever be told.

If you don't care about this then feel free to ignore this entirely.

-[Victim 1]'s apology-

From day 1 I've said I would turn myself in if [Victim1] and her mother Carrie "apologized" to me. I made this up. There is nothing to apologize for. I needed to create some driving motivation for this soap opera. I fabricated this plot point. an "apology" is something so simple to do, but I knew it would never be given. This did three things. First it added some depth to this story and made people think more was going on behind the scenes. Second, it gave a reasonable explanation as to why I continued after Christmas break. Third, it turned a lot of people against [Victim 1] and her family. The "[Victim 1] apology" turned out to be highly effective in all three instances.

-[Victim 1]'s nudes-

I would estimate that at LEAST 2000 people messaged me over facebook/tumblr/email/DM's asking for [Victim 1's] nudes. You guys are Pretty fucked up lol. Well anyways, if I had them I would have posted them a long time ago. Unfortunately they don't exist. As many of you know, [Victim 1] is in dance. [Victim 1]'s mom pays hundreds of dollars a month for [Victim 1] to

attend dance classes. A year ago, Victim 1 would practice her stupid little dance routines by recording herself and then going back and watching the videos of her routine. Then she would delete them. What she probably didn't know was the fact that everything she did with her phone was being uploaded to the cloud by default. When I gained access to her icloud I gained access to all those dance routine videos that she thought she deleted. From there I pretty much faked everything by taking screen shots of random parts in the dance videos and giving false context and then photoshopping, or blacking out areas to make it appear as if nothing was on underneath. (I attactched an example of how I did it in this post) She has since locked down her account so it's no longer accessible. In the end, she was never sending out nudes to anyone. turns out shes been with the same boyfriend for a few years now. She was just some practicing dance.

-weapons-

I do own a few pocket knives but that's about it. I do not own 90% of what I claimed to have owned. There are no pipe bombs. No suicide vests. No guns. if I'm to be completely honest, I've never even fired a real gun... I wish I had more knowledge in this area because I could have went into more convincing detail in my threats ^-^

-Threats-

Fake. all of them. I never once intended to carry them out. In fact it's impossible. But even if it were possible, it would have never crossed my mind to follow through with them. that is not who I am. That is not to say I'm some kind of angel. But rather, Physical violence would not be my method of choice. I have other means of hurting those I wish to hurt. And anyways, I'm more into psychological and emotional damage. :^)

-Victim 1-

Truth is I lied about knowing her, surprise surprise. I don't know [Victim 1]. I've never met her. She's just a girl who was very unlucky and had her cloud storage hacked. From there I dragged her through the mud by spreading lies and misinformation to reach my goals that really had no relation with her whatsoever. I basically used her as an access point too attack an entire town.. from everything I've come to learn about her from peoples postings, I've learned [Victim 1] is a good person. those who know her have nothing but good things to say about her and trust me I spent an substantial amount of time looking

for a bad review. To be honest I had huge plans for all of this. I was going to take all of you in Indiana on a journey into some crazy shit, but to continue forward into phase II i would need to continue dragging [Victim 1] along because I used her as my starting premise to begin with. If I was to continue then I needed a way to JUSTIFY dragging [Victim 1] further through more mud. So I looked for something negative about her to make myself feel less sorry for her. In the end I never found anything negative to justify it. That is why I am writing this today and why I've decided to stop.

-Location-

what makes my threats impossible is due to the fact that I don't live in Plainfield Indiana. In fact, I live nowhere near Indiana. Plainfield is a stupid name for a town anyways. Very boring and honestly, I've seen some of you on news videos online and Ya'll some ugly ass mf over there. Nice shit hole guys. I'll never visit lmao.. by the way as a general rule you NEVER shit where you eat. I would never pull a stunt like this within 500 miles of my home.

-why I did it-

I did it simply because I can and I had nothing better to do. I faked it til I made it. that's the honest truth of it. It was fun. Why should I care about any of you people? I live across an ocean so I couldn't care less about you. I would have continued much further had I not felt terrible for this [Victim 1] chick. So I guess the truth as to why I did it is nowhere near as interesting as some of the ridiculous stories some of you believed. I'm sorry for drawing the curtains back on all your insane conspiracy theories. (teacher/student relations, government false flag, mother-daughter cam show business, scorned ex lover, etc etc)

-police-

You guys suck ass. Everyone please pray for the fbi & plainfield PD. They are never solving this case lmao. I'm gonna walk and there ain't a thing they can do about it. Fuck you guys. Thankfully Bernie will cut your salaries to pay for some refugees health care and college :^). in the end you boys were embarrassed. You will continue investigating this for 5 months and then you gotta accept that L.

I win you lose.

-gtg-

So that's basically it. I hope posting the truth today will stop some of you crazy Plainfield mothers from victim blaming [Victim 1] and her family. I feel bad for [Victim 1] tbh. This has happened through no fault of her own. I realize I fucked up by involving this girl. I couldn't live with it on my conscious if I continued to lie and destroy this chick further because she did nothing wrong. I lied about everything. I picked the wrong person to drag along. That is my only regret. I bet shes traumatized by all this. She could probably use some support right now. I hope you guys do the right thing and let her attend graduation.

anyways, Brian Kil wont exist after today. Moving on.

(and if there is anyone else I "accidentally" threatened during all this shit.. well that is to bad. Get over it and Suck it up you pussy. It was all just a game to me anyways.)

bye.

30. Brian Kil used the following Facebook Accounts to send the messages set forth above:

Facebook ID	**Account Number**
Brian Kil	100011227814329
Brian Kil	100011285407433

31. On or about May 25, 2016 at 11:31 am Eastern time, Victim 1 received the following communication from Brian Kil using uygt9@hushmail.com.: "FRM:uy gt MSG: time to get fucked up. im posting your vids on facebook. I feel like I owe it to people who wanted to see. have a summer whore."

32. On or about Monday, June 13, 2016 an individual using the Facebook identity **"Greg Martain"** (Facebook account number 100011348552023) posted the following message on Facebook:

Brian Kil here. Just wanted to let you know im not the dweeb [D.B.]. He couldn't do what I do. He will be cleared if he hasn't already.[3]

Cant believe the FBI are still wasting there time on this. I'm above the law and always will be.

TBH, I'm not done here. It will start up eventually with new twists! but Just wanted to clear up the dweeb drake stuff.

Sickens me to know people think I was actually caught.

Im too narcissistic.

33. Subsequently, the user identified as "Greg Martain" posted the following on the same Facebook account:

[3] Multiple state search warrants were served on or about May 24, 2016, on residences connected to [D.B.] for the investigation of computer trespass and intimidation. The media published articles linking the searches to the Brian Kil investigation.

34. I believe that the user "Greg Martain" is Brian Kil, and not an individual posing as Brian Kil online. "Greg Martain" posted screen shots of communications between Brian Kil and Victim 1's cellular phone, during the time period in which the FBI was posing as Victim 1. Importantly, those communications have never been made public.

35. All communication posted by Kil and "Martain" used anonymizing software to hide his or her true IP address.

D. "Brian Kil" Obtains Child Pornography from Victim 2

36. Between, in or about 2012 and June 2017, Kil, using multiple aliases known to investigators and related to the "Brian Kil" moniker[4], communicated with

[4] I believe, based on my training and experience as well as the investigation to date, that the same individual (Brian Kil) who victimized Victim 1 is the same individual who has victimized Victim 2 because 1) in all of Kil's

Victim 2, who is known to investigators, (and who is now no longer a minor), using Twitter, text messages, and Dropbox.com. Victim 2 resides in Michigan.

37. Throughout the exchanges (including when Victim 2 was a minor), Kil threatened to post nude images and videos of Victim 2 online unless he/she sent Kil images and videos consisting of child pornography. In response, Victim 2 sent Kil multiple images and videos containing visual depictions of Victim 2 engaging in sexually explicit activity that, until he/she reached the age of majority, constituted child pornography. On each occasion, Kil's IP address was masked using the Tor network. Investigators were unable to locate any true IP addresses for Kil's computer. Consequently, Kil's physical location was impossible to determine.

38. Kil has also instructed Victim 2 to upload images and videos to a Dropbox.com account known to investigators. The Dropbox.com account is not publicly accessible. Descriptions of multiple images sent to Kil are as follows:

39. On or about January 20, 2015, Victim 2 sent Kil an image file titled IMG_0238.jpg. The image file consists of the visual depiction of Victim 2's body. Her face is not visible. Victim 2 is shown from the neck down completely nude. She is shown gripping her left breast with her left hand. The picture appears to be located in a bathroom. A pink hairbrush is visible behind her.

40. On or about October 6, 2014, Victim 2 sent Kil a video file at Kil's request. The video file consists of Victim 2 standing in a bedroom with her face and

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communications, he has opened communication with a specific statements, namely "Hey (Victim Name). I have to ask you something, kinda important. How many guys have you sent dirty pics to because I have some of you." 2) Kil asked this question to Victim 1 and Victim 2's sibling. 3) Kil used email accounts, linked together by Hushmail.com as the same user, when communicating with Victim 1 and Victim 2. 4) Kil used a unique and identical modus operandi on Victim 1 and Victim 2.

body fully visible. She is shown wearing yellow underwear and a black shirt. Victim 2 is then shown removing her underwear and shirt, exposing her breasts and vagina. She then approaches the camera and turns it off.

E. "Brian Kil" Obtains Child Pornography from Victim 3, and Asks Victim 3 to Attend and Record a Community Forum in Plainfield High School about the "Brian Kil" Investigation

41. Victim 3 is known to investigators and resides within the Southern District of Indiana.

42. According to Victim 3, she has been a victim of Kil since approximately September 2014.

43. On January 5, 2016, Brian Kil, using the email address dtvx1@hushmail.com communicated with Victim 3 about his sextortion of Victim 1 in a series of messages.

44. Agents obtained messages between Victim 3 and "Brian Kil" via search warrant.

45. In one message, Kil stated that, "[Victim 1] was cool, but a little difficult to work with, which is understandable. She was snobby most of the time which I understand and she blew off dates a bunch as well. But at the end of the day I knew I could trust her and she was cool whenever we did talk about stuff."

46. Another message sent approximately 40 minutes later continued the conversation about Victim 1 and ended with, "I've been in this situation a billion times with people I blackmail for money/info or girls for nudes. A lot of times they just fake pretend to be a cop or family member to try and scare you, so I had to test it out…"

47. Additionally, Kil wrote, "nah I hope not LMAO. I still a lot more stealing and blackmailing to do. I want become the worst cyber terrotist (sic) that ever lived."

48. On January 6, 2016, Kil stated, "yeah. Well I deserve to be thrown in jail tbh. If I ever do get caught just don't come forward with our stuff. That will add another 10 years x.x".

49. On January 12, 2016, Kil sent the following messages to Victim 3 relating to the community forum that was held on January 19, 2016 at Plainfield High School, and organized by the Administration and law enforcement:

- "theres gonna be a community forum/meeting at plainfield high next. I need you to go to it. n-_-n"
- "I need you to go and tell me what they say. Its Tuesday night at 7:30. I need to know what the feds have to say."
- "I can't go. I fit the profile for the suspect. They will be looking for me. No ones gonna notice a black girl with an afro."
- "you just gotta sit there for an hour and look pretty. Laugh at all the angry moms and drive home."
- "whats the whitest school you can think of? I'm looking for a place with snobby privileged little shits with over protective parents."
- "I 1000% need you to go."
- "don't say "help" because then you become an accomplice. You're being FORCED to do what I say or else. Always remember that."

50. On January 19, 2016, law enforcement held a community forum at Plainfield High School. Members of the FBI, the United States Attorney's Office, and Plainfield School Administrators spoke at the forum. Subsequent to the community forum, "Brian Kil", utilizing the name "Brianna Killian" and "Brian Mil", posted the following messages about what occurred during the forum and who attended:

A. "ONLY 200 subpoenas. What have you been doing for nearly 2 months? Only 200. LMAO. I'm going to kill 'Victim 1' and unload on her friends and you only did 200? zzzZZZzzz".

B. "Searching for the lady with the 9 year who talked. Red scarf. Short hair."

C. "another interesting thing before I go to bed. The fat blonde lady with the glasses on top of her head and the tie-die shirt underneath a white west. "how do we know hes not here." I was, and I learned a lot. ONLY 200 subpoenas."

D. "what happens if hes not caught" -charity I was shaking my damn head when you asked that charity. If I'm not found then i go on to make more threats and then I kill your kids. Dumb bitch. you had an entire week to think of a question and thats what you ask? "what if hes not caught? I'm so stupid please tell me what happens if hes not caught?"

E. "chicago lady spoke after him. She said nothing of importance. Shes useless. Shes coming back here to talk to

> us about staying safe online. She also lied about why they are so tight lipped. she said it's because "they know best" Later someone asks a question like this and they flip flop. the real answer: They dont know shit 200 court orders later. They are imcompetent. arrested poor patrick for no reason."

F. Law Enforcement Identifies "Brian Kil's" True IP Address

51. On June 9, 2017, the Honorable Debra McVicker Lynch authorized the execution of a Network Investigative Technique "NIT" (defined in Cause No. 1:17-mj-437) in order to ascertain the IP address associated with Brian Kil and Victim 2.

52. As set forth in the search warrant application presented to Judge Lynch, the FBI was authorized by the Court to add a small piece of code (NIT) to a normal video file produced by Victim 2, which did not contain any visual depictions of any minor engaged in sexually explicit activity. As authorized, the FBI then uploaded the video file containing the NIT to the Dropbox.com account known only to Kil and Victim 2. When Kil viewed the video containing the NIT on a computer, the NIT would disclose the true IP address associated with the computer used by Kil.

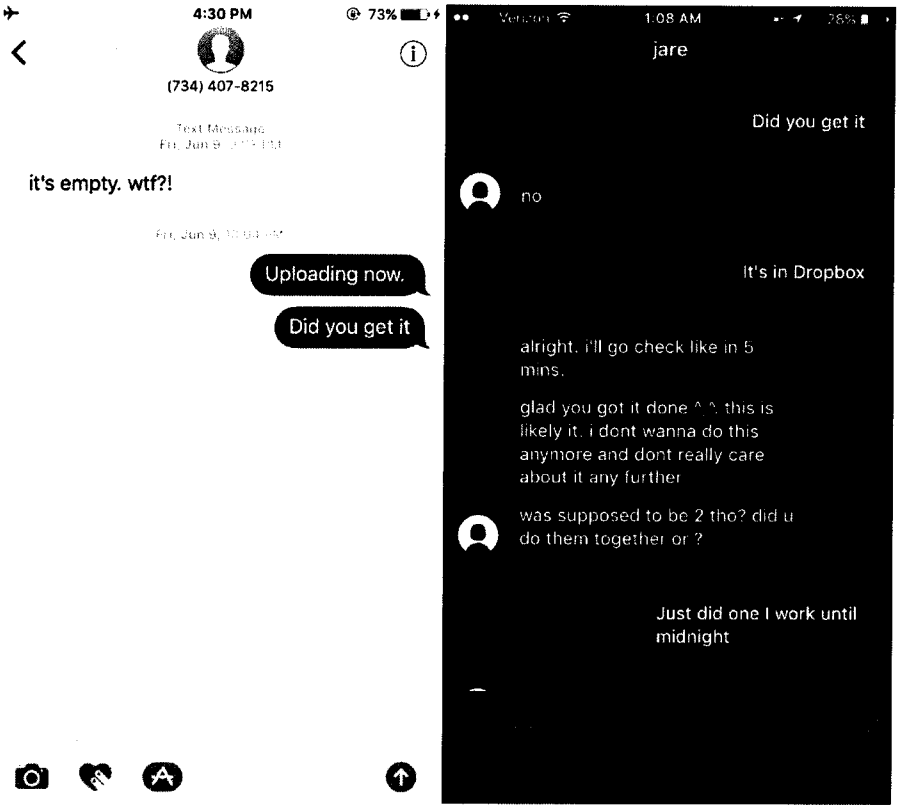
53. On June 9, 2017, FBI agents interviewed Victim 2 at her residence in Michigan. According to Victim 2, Kil began demanding sexually explicit images and videos from him/her in on or about in or about 2012. Since then, and while Victim 2 was still a minor, she complied under duress, and sent Kil numerous videos and images of child pornography. According to Victim 2, Kil threatened Victim 2 stating

that if she/he did not comply with Kil's demands, he/she would post sexually explicit images and videos of Victim 2 online and send them to his/her family and friends.

54. According to Victim 2, on or about June 9 (the same date of the interview) Kil demanded that she send sexually explicit videos to a Dropbox account Kil created. Kil sent this demand from the telephone number (734) 407-8215. The phone number (734) 407-8215 is registered to bandwidth.com. Numbers registered to bandwidth.com are voice over IP Voicer over Internet Protocol (VOIP) numbers. VOIP is a category of hardware and software that enables people to use the Internet as the transmission medium for telephone calls by sending voice data in packets using IP rather than by traditional circuit transmissions. The subject communicating with Victim 2 and her family used Tor to obfuscate all communications with victims. Accordingly, the real subscriber was not locatable.

55. On June 9, 2017, after interviewing Victim 2, the FBI executed the search warrant and used the NIT to identity the masked IP addressed used by Kil. After the NIT was uploaded to Dropbox, the FBI told Kil it was available by communicating with the (734) 407-8215 number and the Twitter.com account @jare930. Victim 2 confirmed the accounts belonged to the same person who was extorting her.

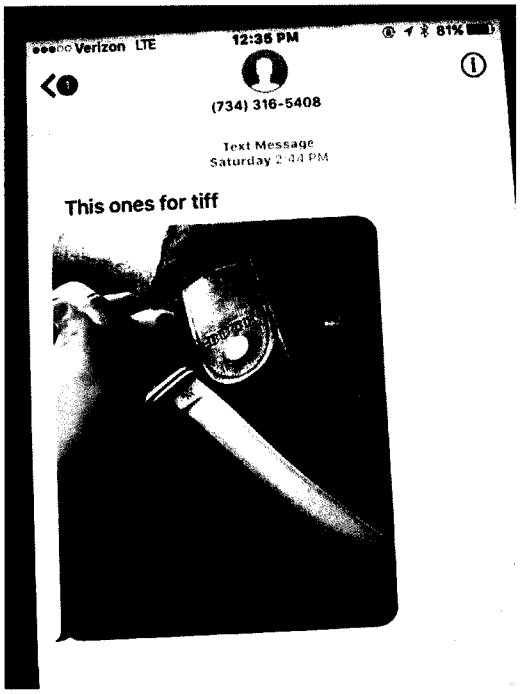
56. Screenshots of the communications follow:



57. When Kil viewed the video containing the NIT on a computer the NIT disclosed the true IP address associated with the computer used by Kil.

58. The true IP address revealed by the NIT was 174.134.134.97.

59. After receiving the video, Kil then began sending messages to the family of Victim 2 stating that Kil was going to murder members of her family (see screenshot below):



60. I believe, based on the investigation to date, the NIT, and my training and experience that Kil used the IP Address 174.134.134.97 to send the messages to Victim 2.

61. An emergency subpoena was sent to Bright House Networks LLC requesting subscriber information for the IP address 174.134.134.97 at 11:00 p.m. EST on June 9, 2017.

62. Bright House Networks LLC responded to the emergency request and provided the following subscriber information:

Name: Kimmie Francis

Address: 9617 Eucalyptus Dr.

Bakersfield, CA 93306

Telephone Number: 661-619-0117

63. A lookup for the telephone number 661-619-0117 on Facebook returned the Facebook page for a person identifying themselves as Kimmie Francis. The profile associated with the telephone number is kimmie.francis.3.

64. A law enforcement database search of the Kern County Sheriff's Office in California located a police report identified Kimberly Francis (age 28), Audrey Francis (age 85), and **Buster Hernandez** as residents of 9617 Eucalyptus Drive, Bakersfield, CA 93306. The report described a robbery of Audrey Francis. According to the report, **Buster Hernandez** reported to law enforcement that he lived at 9617 Eucalyptus Drive with his girlfriend, Kimberly Francis, and her grandmother, Audrey Francis.

65. On June 12, 2017, the United States submitted an application pursuant to 18 U.S.C. §§ 3122 and 3123, requesting that the Court issue an Order authorizing the installation and use of pen registers and trap and trace devices ("pen-trap devices") on the IP 174.134.134.97. U.S. Magistrate Judge Tim Baker authorized the order.

66. On June 14, 2017, the FBI began receiving data from the pen-trap device. The records revealed that the user or users of the internet utilizing IP 174.134.134.97 were accessing Tor nodes in order to hide their true IP address.

G. Law Enforcement Obtains Authorization to Intercept Electronic Communications over "Brian Kil's" True IP Address, and Used by Buster Hernandez

67. On July, 17, 2017, United States District Judge Tonya Walton-Pratt authorized the interception of communications to and from the IP address

174.134.134.97 (Title III Wiretap). The following are some of the pertinent communications intercepted:

a. On July 22, 2017, the user of the IP account viewing 4chan, viewed a photograph of the Columbine killers in the cafeteria of the school. This photograph is significant because" Brian Kil" posted this photograph on Tumblr when he threatened the Plainfield School District in 2015.

b. On July 17, 2017, the user of the IP account viewing "imgur," viewed a photograph depicting what appears a very young female, lying on her back, with a white fluid on her chest and stomach (presumably semen).

c. Additionally, law enforcement data containing intercepted multiple photographs of young females in various stages of undress. Agents are working to determine whether any of the females depicted in the photographs have been previously identified as Brian Kil's victims of sextortion.

68. On July 19, 2017, a pole camera was installed near 9617 Eucalyptus Drive, Bakersfield, CA. A review of the camera from July 19, 2017, to July 23, 2017 showed that Kimberly Francis consistently left the residence around 7:00 am and returned home anywhere from 7:00 pm to 11:00 pm. Francis was also seen carrying into the residence two meals from a fast food restaurant.

69. On July 20, 2017, at approximately 1:50 am, an adult male, who matches the description for **Buster Hernandez**, was seen taking out the garbage. Additionally, on July 23, at approximately 12:28 pm, **Buster Hernandez** exited the house with Francis and helped her take groceries into the residence.

70. A review of the Tor usage records from the Title III wiretap showed that Tor was accessed almost continuously when Francis was not at the residence. Additionally, **Buster Hernandez** was always present when the Tor Network, and when the interceptions set forth in paragraph 67 occurred.

71. Audrey Francis has never been observed via surveillance or the pole camera at the residence.

72. Based on the aforementioned, I believe that **Buster Hernandez** is "Brian Kil," and used the Internet to cause Victims 1, 2, and 3 to produce and distribute child pornography to **Hernandez**. I further believe that **Hernandez** used the Internet to threaten to use an explosive device at Plainfield and Danville High Schools when Victim 1 refused to produce additional child pornography. Finally, I believe that **Hernandez** threatened to injure Victim 1 and individuals in Plainfield and Danville High Schools when Victim 1 refused to produce additional child pornography.

73. **Interstate or foreign commerce**: The cell phone used to create the videos of Victim 1 used to store the videos were manufactured outside of the State of Indiana or contain parts that were manufactured outside of the State of Indiana, and therefore, travelled in interstate or foreign commerce.

CONCLUSION

74. I make this affidavit in support of a Criminal Complaint and Arrest Warrant charging **Buster Hernandez** with Count 1: **Sexual Exploitation of a Child**, from on or about between September 4, 2014, to on or about January 22, 2016,

in violation of Title 18, United States Code, Section 2251(a); Count 2: **Threats to an Use Explosive Device**, on or about December 17, 2015, in violation of Title 18, United States Code, Sections 844(e), and Count Three: **Threats to Injure**, on or about December 17, 2015, in violation of Title 18, United States Code Section 875.

75. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that **Buster Hernandez** has committed the above listed offenses. I respectfully request that the Court issue a Criminal Complaint and Arrest Warrant for **Buster Hernandez** charging him with the offenses listed above.

76. This investigation is ongoing, and disclosure of the Complaint Affidavit, Arrest Warrant, and cover sheet will jeopardize its progress.

77. For example, if Hernandez or other occupants of his residence were notified that this investigation exists, they may destroy evidence, warn Hernandez, or Hernandez may flee.

78. Accordingly, your affiant respectfully requests the Court to issue an order that Complaint Affidavit, Arrest Warrant, and all attachments thereto, be sealed until **Hernandez** is in custody, or until further order of this Court.

Andrew D. Willmann
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me this 1st day of August, 2017.

Craig McKee
United States Magistrate Judge
Southern District of Indiana