

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

IN THE MATTER OF THE ARREST OF

Case No.: **3:19-mj-235-DMS**

Darin Schilmiller

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, JESSICA HAIS, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND TASK FORCE OFFICER BACKGROUND

1. I make this affidavit in support of a criminal complaint against DARIN SCHILMILLER, date of birth June 3, 1998, for crimes in violation of 18 U.S.C. §§ 2251(a) (production of child pornography), and 2252(a)(2) (attempted receipt of child pornography).

2. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and have been since April 2010. In this assignment, I have investigated a number of violations of United States Code. I am currently assigned to the Violent Crime Squad in the FBI Anchorage Field Office, and specifically assigned to work violent crimes against children investigations, including but not limited to internet crimes against children, online enticement of children, child pornography possession and distribution, and commercial sexual exploitation of children. I have also conducted investigations of human trafficking, civil rights violations, and public corruption. I have conducted and

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participated in numerous search warrants, arrest warrants, and interviews of people involved in various crimes.

3. I am familiar with the information contained in this affidavit based upon the investigation I have conducted, which included conversations with law enforcement officers and others and review of reports and database records.

4. Any facts or circumstances cited in this affidavit are from my personal knowledge, other law enforcement officials, or from those specific sources as set forth. Not all facts known to me are contained within this affidavit. Only those facts I believe relevant to the Court's probable cause determination are included.

5. This affidavit is in support of a criminal complaint alleging violations of the following statutes:

- a. 18 U.S.C. § 2251(a), production of child pornography;
- b. 18 U.S.C. § 2252(a)(2), attempted receipt of child pornography;

by Darin Schillmiller (hereinafter "SUBJECT"). In the course of investigating Schillmiller, evidence has been obtained to prove his sexual interest in children, his production of child pornography, and his attempted receipt of child pornography, as described more specifically below.

RELEVANT STATUTES

6. The following statutes are relevant to this affidavit:

- a. 18 U.S.C. § 2251(a) prohibits any person who employs, uses, persuades, induces, entices or coerces any minor to engage in, or who has a minor

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assist any other person to engage in, or who transports any minor in of affection interstate or foreign commerce, or in any Territory or Possession of 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.

- b. 18 U.S.C. § 2252(a)(2) provide, in relevant part, that any person who knowingly receives, or distributes, any visual depiction using any means or facility of interstate or foreign commerce or that has been transported in or affecting interstate or foreign commerce, or which contains materials which have been transported in or affecting interstate or foreign commerce, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, if the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct, or any person who attempts to do so, shall be guilty of a federal offense.

FACTS IN SUPPORT OF PROBABLE CAUSE

7. On or about the morning of June 3, 2019, Alaska Police Department (APD) Dispatch received a report that Cynthia Hoffman, a/k/a/ "CeeCee", had not

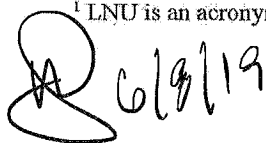
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returned home the previous evening and was missing. On June 4, 2019, APD found Hoffman's body in a creek near Thunderbird Falls in Eagle River, Alaska. On June 6, 2019, APD detectives identified Denali Brehmer, a/k/a/ "Angel," an Alaska state resident and adult female, as a potential suspect. Detectives obtained a search warrant and seized from Brehmer her Apple iPhone 8+, serial number f17X5UQHJWLK, authorizing the search of the phone for evidence related to Hoffman's death. While reviewing Brehmer's phone, evidence of child pornography was observed in plain view. For this reason, on June 7, 2019, APD applied for a second search warrant authorizing the search of the phone for evidence of sexual assault of a minor, and photographs and videos showing child pornography.

8. The child pornography referenced above was imbedded in text messages on Brehmer's iPhone that occurred between June 2, 2019, and June 4, 2019. The text string included Brehmer and a contact listed as "Babe," telephone number XXX-XXX-8048. During a *Mirandized* interview of Brehmer on June 7, 2019, Brehmer stated that "Babe" is "Tyler LNU¹." She stated "Tyler" lives in Kansas.

9. Law enforcement determined that the phone number XXX-XXX-8048 belonged to a Verizon cell phone. On June 7, 2019, FBI employees sent an administrative subpoena to Verizon Wireless for the phone number XXX-XXX-8048. The subpoena returns revealed the subscriber to be "Gary J Schillmiller, 8420 Rooster

¹ LNU is an acronym meaning "last name unknown."



Church, Salisbury, IN.” FBI employees also conducted a search on the phone number XXX-XXX-8048 via Facebook Messenger. The number was associated to a Facebook account associated with “Darin Schillmiller.” FBI employee searches for a “Darin Schillmiller” returned negative results. FBI employee searches for a “Gary Schillmiller” revealed no criminal history.

10. Brehmer stated during this interview that “Tyler” had directed her to sexually assault two minors, an 8 or 9 year old (hereinafter “Minor Victim 1”), and a 15-year-old (hereinafter “Minor Victim 2”). Brehmer stated that at “Tyler’s” direction she took video of Minor Victim 1 nude, with her legs spread apart and genitalia visible. Brehmer recalled sending a few of these videos to “Tyler.” Brehmer also took video of Minor Victim 1 on another occasion while Minor Victim 1 was nude. Brehmer sent video of this to “Tyler” as well.

11. FBI agents conducted a review of a cellphone extraction of Brehmer’s Apple iPhone on June 7, 2019, and could not locate the above referenced videos involving Minor Victim 1.

12. During the above referenced interview, Brehmer also referenced sexually assaulting and taking videos of her sexual assault of Minor Victim 2. On June 7, 2019, APD detectives identified Minor Victim 2 and confirmed that she is 15 years old.

13. In the above referenced string of text messages, occurring between Brehmer and “Tyler,” and the following texts contextualize actions of Brehmer, Tyler

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LNU, and Minor Victim 2 relative to the sexual assault of Minor Victim 2 and production of child pornography:

- a. Brehmer: "So I do the stuff to [Minor Victim 2] then we rape her later tonight too?"
- b. Tyler: "Yea"
- c. Tyler "So are you going to the 14 year old??"
- d. Brehmer: "Hehehe. Yeah I'm going to her rn....Ok found a place to do it at...Gonna go buy weed first. I wanna get her high for it so she doesn't fight me...I love you"
- e. Tyler: "I love you too. Have lots of cumming to do. I mean with her. I wanna cummm till I bleed to her and you."
- f. Tyler: "When we start just send pics understand"
- g. Brehmer: "Yes. I love you. And soon we can rape [Minor Victim 2] together..She's gonna be asleep for it. Her choice. Is that ok"
- h. Tyler: "Okay she's passed tf out"
- i. Brehmer: "I can fuck her when she's asleep"
- j. Tyler: "You do what I say"
- k. Brehmer: "Yes"
- l. Tyler: "Show me her belly and pants laying flat lay her flat on video. Hurry. She only 14"
- m. Brehmer: "Yeah. She's 14"
- n. Tyler: "Force her tie her up if you have too"
- o. Brehmer: "Okay"
- p. Tyler: "Do the video"

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- q. Brehmer: "Ok"
 - r. The next text is a video sent from Brehmer to "Tyler," in which Brehmer puts her hand down Minor Victim 2's jeans. It is not clear from the video if the hand reached under Minor Victim 2's underwear.
 - s. Tyler: "It's cute do hotter videos. Hold her down and stuff. Fight her. Impress me. Spam me 20 pictures surprise me. Pics of her in underwear. We need to fuck here butthole later. Fine some toys. Haha"
14. At this point in the conversation, it appears as if Minor Victim 2 takes Brehmer's phone and begins texting with "Tyler," A picture of Brehmer shows her to be asleep on the bed while Minor Victim 2 texts with "Tyler."
15. The conversation continued between Tyler and Minor Victim 2:
- a. Tyler: "Well imma have angel actually rape you today full forced today. I kinda wanna see a dick in you"
 - b. Minor Victim 2: "Ok"
 - c. Tyler: "But who can dick you?"
 - d. Minor Victim 2: "Maybe you can?"
 - e. Tyler: "Tell you want idk if I told Angel but I also have 50 million I'm willing to give you 15 mil"
 - f. Minor Victim 2: "I have to leave before 2"
 - g. Tyler: "Guess what you can't leave I told you angel to tie you up if have too. You gonna play the fuck outta her pussy understand. And ass."
 - h. Minor Victim 2: "Yes I understand"
 - i. Tyler: "Make it wet do a nice video. Send a lot of videos"
 - j. The next text is a video of Minor Victim 2, removing Brehmer's underwear and digitally penetrating Brehmer.

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16. At this point, it appears as if Brehmer takes control of the text messages again:


- a. Tyler: "Take her socks off I need child porn. Fully rape her I will make sure you see me today. Make it look like role play. You know what I mean, Like a porn movie. Remove panties on video. And sores her legs."
- b. Brehmer sends Tyler two videos. In the first video, Brehmer removes Minor Victim 2's underwear and Minor Victim 2's vagina is visible. In the second video, sent immediately after the first, Minor Victim 2's legs are spread and her vagina is again visible.
- c. Tyler: "I wish I never made a deal with you in the first place...we can meet but once I see a cop I'm telling him or her that I made you rape people and killed cece. I don't even deserve you.... I still want kids but I can't cus I have a child porn fetish I'm trying to get over...I have a rape fatish I wanna get over....So I can never get help or be in a hally relationship."

Identification of "Tyler"

17. On June 8, 2019, agents from the Indianapolis FBI reviewed Darin Schillmiller's records from the State of Indiana Department of Motor Vehicles. The address Darin Schillmiller provided on his driver license was 8420 Rooster Church Road, New Salisbury, Indiana.

18. Further review of the public portions of Darin Schillmiller's Facebook page revealed a posting made by Schillmiller on September 2, 2017. Schillmiller stated he lost contacts in his cellphone and he asked his friends to contact him on his cellphone. Schillmiller provided his cell phone number as XXX-XXX-8048.

19. A further review of law enforcement information for Darin Schillmiller identified a 2018 investigation in which Schillmiller was identified as a person of

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interest in a child pornography case. In that case, an individual using the phone number XXX-XXX-8048, the same number believed to be used by Schillmiller in this case, contacted a female in California and discussed his fetish with infants, asking the female to send him images of infants along with dirty diapers. This investigation was closed without any charges being brought. This case was investigated by Harrison County, Indiana officials. Schillmiller's residence on Rooster Church Road is located in Harrison County.

Summary of Probable Cause

20. I submit that there is sufficient probable cause to believe that Darin Schillmiller has committed violations of the following statutes:

- a. 18 U.S.C. § 2251(a), production of child pornography; and
- b. 18 U.S.C. § 2252(a)(2), attempted receipt of child pornography. I reach this conclusion for the following reasons:

- i. Production of Child Pornography: Brehmer has provided information to law enforcement about videos she produced at Tyler's direction showing sexual explicit conduct. These videos show conduct involving Minor Victim 1 and Minor Victim 2. Located in plain view on Brehmer's cell phone was a video of Brehmer, engaged in sexually explicit conduct with Minor Victim 2, along with text messages from Tyler directing Brehmer and

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Minor Victim 2 on the production of those videos, as well as other videos he desired to receive.

- ii. Attempted Receipt of Child Pornography: Brehmer provided information that she produced at Tyler's direction and sent to him videos of child pornography involving Minor Victim 1 and 2. Text messages between Tyler and Brehmer's phone show Tyler requesting images and directing Brehmer and Minor Victim 2 to send those images to him through text messages. Videos were sent from Brehmer's phone to Tyler showing sexually explicit conduct involving minors. These text messages and videos traveled in interstate commerce from Alaska to Indiana, and traveled through the internet and cell phone networks, means and instrumentalities of interstate and foreign commerce.
- iii. Identification of Schillmiller: The phone number provided by Brehmer was linked to Darin Schillmiller through phone records, as well as through a Facebook post by Schillmiller.

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CONCLUSION

21. Based on the above information, I believe there is probable cause that DARIN SCHILMILLER, has produced child pornography in violation of 18 U.S.C. § 2251(a) (production of child pornography), and attempted to receive child pornography, in violation of 18 U.S.C. § 2252(a)(2).



JESSICA HAIS
Special Agent, FBI
Child Exploitation Task Force

Subscribed electronically and sworn telephonically

~~Subscribed and sworn to before me this~~
~~XXXXXXXXXXXXXXX~~
8th day of June, 2019



MATTHEW M. SCOBLE
United States Magistrate Judge
District of Alaska
Anchorage, Alaska

