

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) CAUSE NO. 1:17-cr-00183-TWP-TAB
)
BUSTER HERNANDEZ,)
(a.k.a. Brian Kil, Brianna Killian, Brian Mil, Greg)
Martain, Purge of Maine, uyt9@hushmail.com,)
jare9302@hushmail.com, Dtvx1@hushmail.com,)
Leaked_hacks1, Closed Door, Closed Color, Clutter)
Removed, Color Rain, Plot Draw, and Invil Cable),)
)
Defendant.)

Stipulated Factual Basis for Plea of Guilty

1. The parties stipulate and agree that the following facts establish a factual basis for the defendant's plea of guilty to the offenses set forth in the Superseding Indictment and that the Defendant acknowledges that the Government would be able to establish the following facts beyond a reasonable doubt in the event this cause was to proceed to trial.

The Defendant, BUSTER HERNANDEZ (hereinafter "HERNANDEZ" or "the Defendant"), was a resident of Bakersfield, California, who was born in 1990.

Victim 1 was a girl living in Plainfield, Indiana, who was born in May 1998.

Victim 2 was a girl living in Brownstown Charter Township, Michigan, who was born in September 1997.

Victim 3 was an 18-year-old girl living in Indianapolis, Indiana, who was born in April 1996.

Victim 4 was a girl living in Monrovia, Indiana, who was born in March 1999. Victim 5 was a girl living in the Southern District of Indiana, who was born in April 1999.

Victim 6 was a girl living in Fortville, Indiana, who was born in March 1999.

Victim 11 was a girl living in Florida, who was born in 1998.

Victim 12 was a girl living in Virginia, who was born in 2001.

The Defendant's Sexual Exploitation of Victims through Extortion

From at least 2012, and through and including August 3, 2017, Buster HERNANDEZ used the following means and methods to coerce his victims to produce sexually explicit images and videos of themselves, through extortion:

a. Using various social media accounts, HERNANDEZ contacted individuals (typically minors) by sending a private message, and saying, for example, "Hi [Victim Name,] I have to ask you something. Kinda important." HERNANDEZ then told the prospective victim, "How many guys have you sent dirty pics to cause I have some of you?" The prospective victim either ignored HERNANDEZ or engaged in further conversation.

b. If the potential victim responded, HERNANDEZ demanded that they send him sexually explicit images or videos of themselves, or else HERNANDEZ would send the sexually explicit images or videos that he claimed were in his possession to the potential victim's friends and family (also known as "sextortion").

c. HERNANDEZ also threatened to murder, rape, kidnap, and injure the victim and the victim's friends and family if the victim refused to comply, or if the

victim was unable to send the images and videos as quickly as HERNANDEZ demanded.

d. HERNANDEZ sent victims specific instructions on precisely what kind of images and videos he wanted them to produce against their will. HERNANDEZ typically sent his instructions via the Internet using several screen shots, including the following instruction:

k 2 vids.

1. strip vid first. wear a suggestive outfit.

2. a long vid of you fucking every hole. use a nice fat brush. I wanna see everything there is to see in this 1vid. make it extra graphic and extra long. leave nothing for me to want to see ever again.

you have to talk dirty in it as well. dont care how much trouble you could get in if you get heard.

and do a bunch of positions in it. lay on side and spread that ass and pussy. also lean back on your elbow and lift your legs up and back so you can get deep with the brush. spread pussy in that position so i can get a good view. tons of spreading. tons of fucking and pulling out brush out. fuck yourself really close to the camera.move back and fuck yourself from afar so face is in it. fuck yourself slow. fast. hard. soft. |

basically just do everything. and back camera or i'll make you redo.

e. HERNANDEZ typically began extorting victims when they were between the ages of twelve to fifteen years old.

g. Once HERNANDEZ received the sexually explicit images and videos from his victims, he continued to extort them, until they refused to comply. If victims refused to comply, HERNANDEZ frequently posted the sexually explicit images or

videos of the victims online, or sent them to the victims' friends and family via the Internet. HERNANDEZ also threatened to murder, rape, kidnap, and injure the victim and the victim's friends and family if the victim continued to refuse to comply with HERNANDEZ's demands.

h. If a victim failed to comply with his precise demands within the time period set forth, HERNANDEZ frequently told his victims, "what a shame," or "it's a shame," and falsely claimed he was getting ready to stop extorting them after that one last demand.

i. HERNANDEZ sexually exploited some of his victims for years, and continued to extort them even after they turned eighteen years old.

j. HERNANDEZ also encouraged some of his victims to kill themselves. In some instances, HERNANDEZ promised that he would disseminate their sexually explicit images at their funeral and "trash" their Facebook memorial page if they committed suicide.

HERNANDEZ's Methods of Tradecraft to Evade Detection

HERNANDEZ used the following sophisticated methods of tradecraft to mask and obfuscate his true identity and the true location of his Internet Protocol ("IP") address in an intentional effort to evade detection by law enforcement and obstruct justice:

a. HERNANDEZ used aliases such as the following to hide his true identity:

Brian Kil Brianna
Killian Brian Mil
Greg Martain Purge of

Maine
uygt9@hushmail.com
jare9302@hushmail.com
Dtvx1@hushmail.com
Leaked_hacks1
Closed Door Closed Color
Clutter Removed Color
Rain
Plot Draw; and Invil
Cable

b. HERNANDEZ opened hundreds of e-mail and social media accounts using numerous aliases then quickly ceased using the accounts in an intentional effort to impede or delay law enforcement investigative action on those accounts.

c. HERNANDEZ used multiple e-mail service providers located outside the United States that are commonly discussed in online communities as not having records readily available to United States law enforcement during the course of criminal investigations, and as a method of tradecraft for obfuscation.

d. HERNANDEZ intentionally removed the password protection on his router to create an open Wi-Fi connection, which is commonly discussed in online communities as a method of tradecraft designed to create dissociation and obfuscation of identity during the course of a criminal investigation.

e. HERNANDEZ removed the hard drive from his computer to impede the success of commonly used law enforcement forensic investigative techniques when used on that computer.

f. HERNANDEZ used an operating system that runs in temporary volatile memory such that it can run from external storage media such as a USB drive. As such, the data in memory is lost as soon as the operating system is shut down or the

computer is powered off. It is not necessary for a hard disc drive to be installed in a computer when running this operating system. Using this operating system allowed HERNANDEZ to remove the hard disc drive from his computer, which is commonly discussed in online communities as a method of tradecraft to protect against the accidental retention of metadata and forensic artifacts that could reveal to law enforcement evidence of criminal activities. HERNANDEZ did this from a thumb drive recovered by criminal investigators from his residence.

g. On multiple separate instances over a period of over eight months, HERNANDEZ engaged in the overt act of updating the operating system described above. HERNANDEZ did this from a computer recovered by criminal investigators from his residence.

h. HERNANDEZ used the Tor Network to mask his true IP address(es) and his location. The Tor Network is an anonymity network that intentionally masks the user's true IP address and other forensic artifacts that are normally accessible to Websites, Electronic Service Providers, and someone monitoring network traffic, by directing Internet traffic through a circuit of several of more than six thousand relay servers. The operating system HERNANDEZ used has several anonymity programs pre-installed, including the Tor Network.

i. During his arrest on August 3, 2017, and just as law enforcement officers entered his room, HERNANDEZ intentionally removed a USB drive containing the operating system described above from his computer, thereby intentionally destroying metadata or forensic artifacts associated with use of this operating system that constitute evidence of criminality.

j. HERNANDEZ encrypted multiple hard disc drives and created encrypted containers on external storage media in an intentional effort to prevent law enforcement from accessing evidence such as the child pornography and pornography he received through extortion.

k. HERNANDEZ acknowledges that the online accounts set forth in the attached addendum, were used by Hernandez in the commission of these offenses.

HERNANDEZ Obtains Child Pornography from Victim 1 through Coercion

In 2014, Victim 1 was a minor who resided in Plainfield, Indiana, which is in the Southern District of Indiana. Beginning in September 2014, and continuing until August 3, 2017, HERNANDEZ, using the means and methods described above, coerced Victim 1 to produce and distribute images and videos of child pornography of Victim 1 knowing that Victim 1 was a minor.

HERNANDEZ first contacted Victim 1 via the Internet after searching for publically available information regarding Victim 1, and falsely claimed to already possess sexually explicit images of Victim 1. HERNANDEZ then threatened to post the sexually explicit images of Victim 1 on the Internet if Victim 1 refused to produce additional child pornography of Victim 1 and distribute it to HERNANDEZ.

For at least 16 months, HERNANDEZ sexually extorted Victim 1, and obtained child pornography of Victim 1 as a result. Throughout that time period, HERNANDEZ threatened to post Victim 1's child pornography on social media.

HERNANDEZ also threatened to murder, rape, or injure Victim 1 and her family if Victim 1 either refused or expressed reluctance or hesitation to comply with his demands.

HERNANDEZ further, through the same means and methods described above, produced child pornography of Victims 2 through 6 and 11 and 12.

As set forth in Counts 1 through 8, between on or about 2014, and on or about November 15, 2014, and within the Southern District of Indiana and elsewhere, the defendant BUSTER HERNANDEZ, did employ, use, persuade, induce, entice, and coerce Victims 1, 4, and 5, who were minors, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, and did aid and abet such conduct, and such visual depiction was produced using materials that had been mailed, shipped, or transported in interstate or foreign commerce by any means, as more particularly described below:

<u>Count</u>	<u>Date</u>	<u>Description</u>
1	9.5.2014	An image labeled 10615859_774768432590051_1323014964_n.jpg, depicting Victim 1 using a cellular telephone to take a picture of herself in a bathroom mirror. Victim 1 is seen standing in front of the mirror, completely nude, and Victim 1 's face, breasts, and vagina are clearly visible.
2	10.9.2014	An image labeled 10617472_792430664157161_533669609_n.jpg, depicting Victim 1 doing the splits on the floor of a bedroom facing away from the camera. Victim 1 is only wearing a bra in the image, and Victim 1 's vagina and anus are clearly visible in the image.
3	10.31.2014	An image labeled 10751839_805529276180633_426746741_n.jpg, depicting Victim 1 lying on her back on the floor wearing only a bra. Victim 1 's arms and legs are spread apart, and Victim 1 's vagina and anus are clearly visible.
4	10.1.2014	An image labeled 10178228_788011164599111_598068341_n.jpg depicting Victim 1 standing in her bedroom wearing only her pants and underwear, which are pulled down around her knees. Victim 1 is otherwise completely nude. Victim 1 's hands are at her waist. Her face, breasts, and vagina are clearly visible. A dresser and television are visible in the background of the image.
5	9.12.2014	An image labeled 10706587_777976262269268_1667471442_n.jpg depicting Victim 1 using a cellular telephone to take a picture of herself in a bathroom mirror, completely nude. Victim 1 's face, breasts, and vagina are clearly visible in the image.

6	10.8.2014	A video file labeled MOV_8330.3gp depicting Victim 4 standing in front of a bathroom sink wearing a white sleeveless t-shirt and black shorts. Victim 4 then removes her shirt, sports bra, and shorts, revealing her breasts and vagina. Victim 4 's face is also visible. The video file is approximately 33 seconds in length.
7	11.7.2014	An image labeled 10799404_1491164947803416_306017121_n.jpg which depicts Victim 4 sitting on the floor wearing a pink, blue, and yellow tie died shirt with the word Missouri written across the chest. She is not wearing any underwear. Victim 4 is sitting with her legs spread apart and using her hand to insert a hair brush into her exposed vagina. The image appears to be a screenshot of a separate video file.
8	11.15.2014	An image labeled 20141115_220550.jpg which depicts Victim 5 standing in front of a dresser. Victim 5 is posed with her hand on her hip and is completely nude. Her breasts and vagina are clearly visible.

As set forth in Counts 12 through 17, between on or about November 7, 2014, and on or about December 10, 2014, and within the Southern District of Indiana and elsewhere, the defendant BUSTER HERNANDEZ did knowingly distribute and receive child pornography of Victims 1, 4, and 6, who were minors, using a means or facility of interstate commerce, and that was transported in or affecting interstate commerce by any means, including computer, as more particularly described below:

<u>Count</u>	<u>Date</u>	<u>Description</u>
12	12.10.2014	Image 10615859_774768432590051_1323014964_n.jpg, depicting Victim 1 using a cellular telephone to take a picture of herself in a bathroom mirror. Victim 1 is seen standing in front of the mirror, completely nude, and Victim 1 's face, breasts, and vagina are clearly visible.
13	12.10.2014	Image 10751839_805529276180633_426746741_n.jpg, depicting Victim 1 lying on her back on the floor wearing only a bra. Victim 1 's arms and legs are spread apart, and Victim 1 's vagina and anus are clearly visible.
14	11.7.2014	Image 10799404_1491164947803416_306017121_n.jpg which depicts Victim 4 sitting on the floor wearing a pink, blue, and yellow tie died shirt with the word Missouri written across the chest. She is not wearing any underwear. Victim 4 is sitting with her legs spread apart and using her hand to insert a hair brush into her exposed vagina. The image appears to be a screenshot of a separate video file.

15	11.7.2014	Image 10799404_1491164947803416_306017121_n.jpg which depicts Victim 4 sitting on the floor wearing a pink, blue, and yellow tie died shirt with the word Missouri written across the chest. She is not wearing any underwear. Victim 4 is sitting with her legs spread apart and using her hand to insert a hair brush into her exposed vagina. The image appears to be a screenshot of a separate video file.
16	11.7.2014	Video labeled video-1415402732.mp4 which depicts Victim 6 using her hand to masturbate by rubbing her fingers on her vagina.
17	11.7.2014	Video labeled MOV_0656.3gp which depicts Victim 6 using her hand to masturbate by rubbing her fingers on her vagina.

Additionally, and as set forth in Counts 9 through 11, beginning in at least in or about 2014, and continuing until at least on or about August 3, 2017, the defendant, BUSTER HERNANDEZ, did use a facility or means of interstate or foreign commerce to knowingly persuade, induce, entice, and coerce, and attempt to knowingly persuade, induce, entice, and coerce, Victims 1, 4, and 5, who had not attained the age of 18 years, to engage in sexual activity for which any person could be charged with a criminal offense, specifically, production of child pornography as defined in IC 35-42-4-4 (a) and (c)(E), and sexual exploitation of a child as defined in 18 U.S.C. § 2251(a), as more particularly described below:

<u>Count</u>	<u>Date</u>	<u>Description</u>
9	2014 to 8.3.2017	Coerced and Enticed Victim 1 , a minor
10	2014 to 8.3.2017	Coerced and Enticed Victim 4 , a minor
11	2014 to 8.3.2017	Coerced and Enticed Victim 5 , a minor

HERNANDEZ further admits that using the means and methods described above, coerced Victims 2 through 6 and 11 and 12 to produce images and videos of child pornography of Victim 2 through 6 and 11 and 12 knowing that Victims 2

through 6 and 11 and 12 were minors.

HERNANDEZ Threatens to Kill Victim 1, Victim 1's Mother, and Others, and to Use Explosive Devices in Plainfield and Danville, Indiana

On December 12, 2015, Victim 1's mother (Victim 7) discovered some of HERNANDEZ's messages to Victim 1 on Victim 1's cell phone. Victim 1's mother used Victim 1's cellular phone to tell HERNANDEZ to stop extorting Victim 1, and advised that she intended to call the police.

In response, HERNANDEZ retaliated against Victim 1 and Victim 7, and threatened to kill and injure Victim 1 and Victim 7, and threatened to post Victim 1's sexually explicit images and videos on social media.

On or about December 17, 2015, and in retaliation for Victim 7's messages, HERNANDEZ, using the name "Brian Kil," posted on his Facebook account multiple images of Victim 1 that HERNANDEZ had obtained via extortion, including:

- a. An image depicting Victim 1 wearing black pants and a pink bra. Victim 1 was holding onto her breasts with both hands.
- b. An image depicting Victim 1 nude from the waist up in a bedroom. Victim 1's breasts were blocked out using photo editing software.
- c. An image depicting 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.

HERNANDEZ, using the name "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 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."

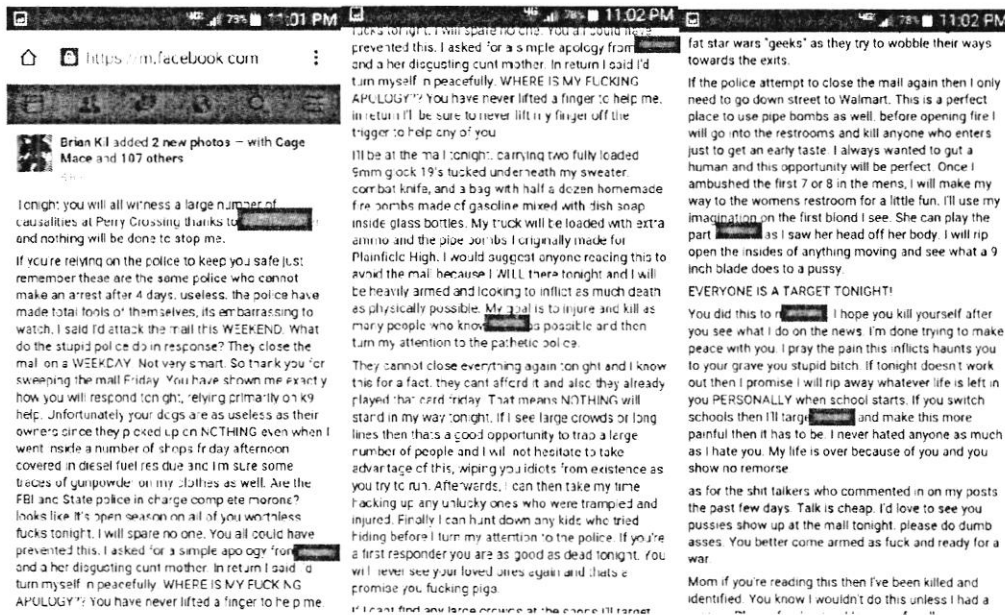
On December 17, 2015, HERNANDEZ, using the name Brian Kil, posted
"danville is still open. Maybe I'll settle on some faggots and niggers at Danville."

On or about December 17, 2015, and as a result of HERNANDEZ's threats, school administrators evacuated and closed Plainfield and Danville High Schools.

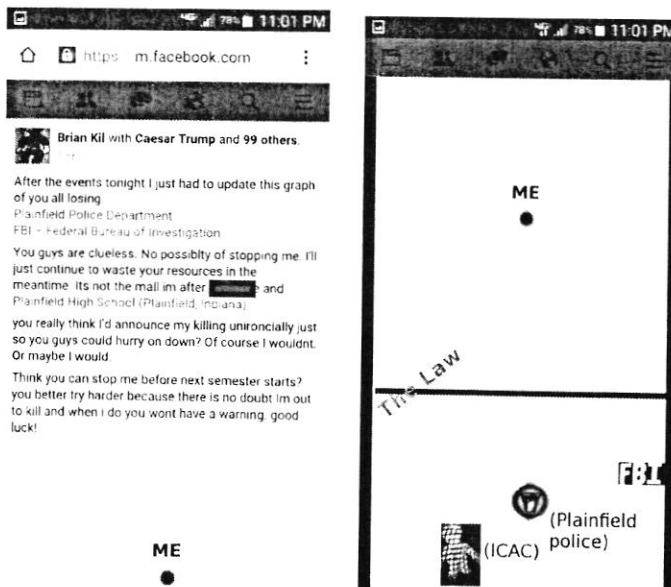
Between December 18, 2015, and December 20, 2015, HERNANDEZ continued to

threaten to kill Victim 1, and Victim 1's family, friends, and classmates via the Internet.

On December 20, 2015, HERNANDEZ, using the name "Brian Kil," posted the following threat on Facebook to fire bomb the Shops at Perry Crossing and Walmart, and to kill Victim 1, patrons, and first responders:



First responders arrived at the Shops of Perry Crossing and Walmart and evacuated the buildings, including the movie theater. Subsequently, HERNANDEZ used Facebook to post the following:



HERNANDEZ then posted a video of Victim 1 engaging in sexually explicit conduct that he obtained from Victim 1 via sextortion. HERNANDEZ commented on the video as follows: "I want a new rifle so I can catch (Victim 1) at Plainfield high School -brian."

On January 3, 2016, Victim 10, a Plainfield High School Board Member, received the following threat from HERNANDEZ on Victim 10's publicly available E-mail account:

Hello Mr. [Victim 10]:

Want to see a bunch of people slaughtered like pigs in the slaughter house? You should pay close attention to your schools because I'm coming mother fucker.

Why has [Victim 1] been given a free pass? UNACCEPTABLE. I will make this right. I would love to murder you and [Victim 10's wife] before I go on my killing spree. I'm looking you up your address as we speak. Bye.

As set forth in Counts 18 through 21, between in or about December 17, 2015, and on or about December 20, 2015, and within the Southern District of Indiana and elsewhere, the defendant BUSTER HERNANDEZ, used an instrument of interstate or foreign commerce to willfully make threats, or maliciously convey 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, vehicle, and other real or personal property by means of fire or an explosive, as more particularly described below:

<u>Count</u>	<u>Date</u>	<u>Description</u>
18	12.17.2015	On or about December 17, 2015, the defendant used the internet, namely an account on Facebook.com, to threaten to bomb Plainfield High School, located at 1 Red Pride Drive, in Plainfield, Indiana, which is located within the Southern District of Indiana.
19	12.17.2015	On or about December 17, 2015, the defendant used the internet, namely an account on Facebook.com, to threaten to bomb Danville Community High School, located at 100 Warrior Way, in Danville, Indiana, which is located within the Southern District of Indiana.
20	12.20.2015	On or about December 20, 2015, the defendant used the internet, namely an account on Facebook.com, to threaten to bomb The Shops at Perry Crossing, located at 2499 Perry Crossing Way, in Plainfield, Indiana, which is located within the Southern District of Indiana.
21	12.20.2015	On or about December 20, 2015, the defendant used the internet, namely an account on Facebook.com, to threaten to bomb Walmart, located in Plainfield, Indiana, which is located within the Southern District of Indiana.

HERNANDEZ further received and distributed child pornography of Victims 1, and 4 through 6 using the means and methods discussed above.

HERNANDEZ Obtains Child Pornography from Victim 2 through Coercion

Between in or about 2012 and on or about August 3, 2017, Victim 2 was a minor who resided in Brownstown Charter Township, Michigan. Beginning sometime in 2012, and continuing until August 3, 2017, HERNANDEZ, using the means and methods described above, coerced Victim 2 to produce and distribute images and videos depicting Victim 2 engaging in sexually explicit conduct knowing that Victim 2 was a minor. HERNANDEZ continued to sexually extort Victim 2 after she turned 18 in 2015.

HERNANDEZ first contacted Victim 2 via the Internet after searching for publically available information regarding Victim 2, and falsely claimed to already possess sexually explicit images of Victim 2. HERNANDEZ then threatened to post

the sexually explicit images of Victim 2 on the Internet if Victim 2 refused to produce additional child pornography of Victim 2 and distribute it to HERNANDEZ.

For nearly 5 years, HERNANDEZ sexually extorted Victim 2. Throughout that time period, HERNANDEZ threatened to post Victim 2's child pornography or to murder, rape, or injure Victim 2 and her family if Victim 2 either refused or expressed reluctance or hesitation to comply with his demands.

Between in or about 2012 and on or about August 3, 2017, HERNANDEZ distributed images and videos of other minor victims to Victim 2, and agents of the Federal Bureau of Investigation acting in an undercover capacity as Victim 2, to coerce Victim 2 to produce child pornography of Victim 2. HERNANDEZ also sent the following messages to Victim 2:

I know where you live. I come at night.

I come at night for all of my slaves eventually Have I ever made u cry?

HERNANDEZ then sent Victim 2 images depicting several unknown victims, who appeared to be minors engaging in sexually explicit conduct as they cried. HERNANDEZ messaged Victim 2 saying, "I make girls cry." HERNANDEZ then distributed a sexually explicit image constituting child pornography of an unidentified victim, who is a minor, crying as she took a sexually explicit "selfie" in the mirror. Victim 2 said, "stop I don't wanna see that," but HERNANDEZ continued sending additional images depicting other minor victims nude or partially nude who were crying and said, "look at this one. She had a nervous breakdown knowing I

would tell mommy and daddy.”

HERNANDEZ Obtains Pornography from Victim 3 through Coercion

In September 2014, Victim 3 was 18 years old, and resided in Indianapolis, Indiana, which is in the Southern District of Indiana. Beginning sometime in 2014, HERNANDEZ, using the means and methods described above, coerced Victim 3 to produce and distribute sexually explicit images and videos of Victim 3. From at least 2014 to on or about August 3, 2017, HERNANDEZ sexually extorted Victim 3.

HERNANDEZ first contacted Victim 3 via the Internet, using the same account he used to contact Victim 1, and falsely claimed to already possess sexually explicit images of Victim 3. HERNANDEZ then threatened to post the sexually explicit images of Victim 3 on the Internet if Victim 3 refused to produce additional pornography of Victim 3 and distribute it to HERNANDEZ.

For nearly three years, HERNANDEZ sexually extorted Victim 3. Throughout that time period, HERNANDEZ threatened to post Victim 3's pornography or to murder, injure, or harm Victim 3 and her family if Victim 3 either refused or expressed reluctance or hesitation to comply with his demands.

Accordingly, and as set forth in Count 22, between on or about September 11, 2014, and on or about August 3, 2017, within the Southern District of Indiana and elsewhere, the defendant, BUSTER HERNANDEZ, extorted Victim 3 using a facility of interstate commerce to threaten to kill, injure, or kidnap Victim 3 and Victim 3's family to extort from Victim 3 a thing of value, namely, images and videos of Victim

3 engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 875(b).

HERNANDEZ Compels Victim 3 to Attend and Record a Community Forum in Plainfield High School about the “Brian Kil” Investigation

On January 5, 2016, HERNANDEZ used the Internet to communicate with Victim 3 about his sextortion of Victim 1 in a series of messages. In one message, HERNANDEZ 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.” 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...” Additionally, HERNANDEZ wrote, “nah I hope not LMAO. I still a lot more stealing and blackmailing to do. I want become the worst cyber terrorist that ever lived.”

On January 6, 2016, HERNANDEZ sent a message to Victim 3 that said, “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”.

On January 12, 2016, HERNANDEZ sent the following messages via the Internet to Victim 3 relating to the community forum that was to be held on January 19, 2016, at Plainfield High School, 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."

"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."

On January 19, 2016, law enforcement held a community forum at Plainfield High School. Members of the Federal Bureau of Investigation ("FBI"), the United States Attorney's Office, and Plainfield School Administrators spoke at the forum. Subsequent to the community forum, HERNANDEZ, using the name "Brianna Killian" and "Brian Mil," posted the following messages via the Internet about what occurred during the forum and who attended:

"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".

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

"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?"

“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.”

As set forth in Counts 23 through 32, Between on or about December 15, 2015, and on or about January 3, 2016, and within the Southern District of Indiana and elsewhere, the defendant BUSTER HERNANDEZ, transmitted in interstate or foreign commerce communications containing threats to kidnap or injure the person of another, as more particularly described below:

<u>Count</u>	<u>Date</u>	<u>Description</u>
23	12.15.2015	On or about December 15, 2015, the defendant, using a facility of interstate commerce, threatened to kill Victim 1 's mother (Victim 7).
24	12.15.2015	On or about December 15, 2015, the defendant, using a facility of interstate commerce, threatened to kill Victim 1 , and threatened to kidnap Victim 1 's minor sibling (Victim 8).
25	12.17.2015	On or about December 17, 2015, defendant, using an account on Facebook.com, threatened to kill Victim 1 .
26	12.17.2015	On or about December 17, 2015, defendant, using an account on Facebook.com, threatened to kill students at Plainfield High School, located at 1 Red Pride Drive, in Plainfield, Indiana, which is located within the Southern District of Indiana.
27	12.17.2015	On or about December 17, 2015, defendant, using an account on Facebook.com, threatened to kill students at Danville High School, located at 100 Warrior Way, in Danville, Indiana, which is located within the Southern District of Indiana.
28	12.20.2105	On or about December 20, 2015, defendant, using an account on Facebook.com, threatened to kill Victim 1 and Victim 1 's former significant other (Victim 9).
29	12.20.2015	On or about December 20, 2015, defendant, using an account on Facebook.com, threatened to kill patrons at The Shops at Perry Crossing, located at 2499 Perry Crossing Way, in Plainfield, Indiana, which is located within the Southern District of Indiana.
30	12.20.2015	On or about December 20, 2015, defendant, using an account on Facebook.com, threatened to kill police and first responders to The Shops at Perry Crossing, located at 2499 Perry Crossing Way, in Plainfield, Indiana, which is located within the Southern District of Indiana.

31	12.21.2015	On or about December 21, 2015, defendant, using an account on Facebook.com, threatened to kill Victim 1 with a rifle.
32	1.3.2016	On or about January 3, 2016, defendant, using an account on yandex.com (“Brian Kil” at cop-killer-pipeb@yandex.com), E-mailed Victim 10 , a Plainfield High School Board member, and threatened to kill Victim 10 , Victim 10 ’s family, and students at Plainfield High School.

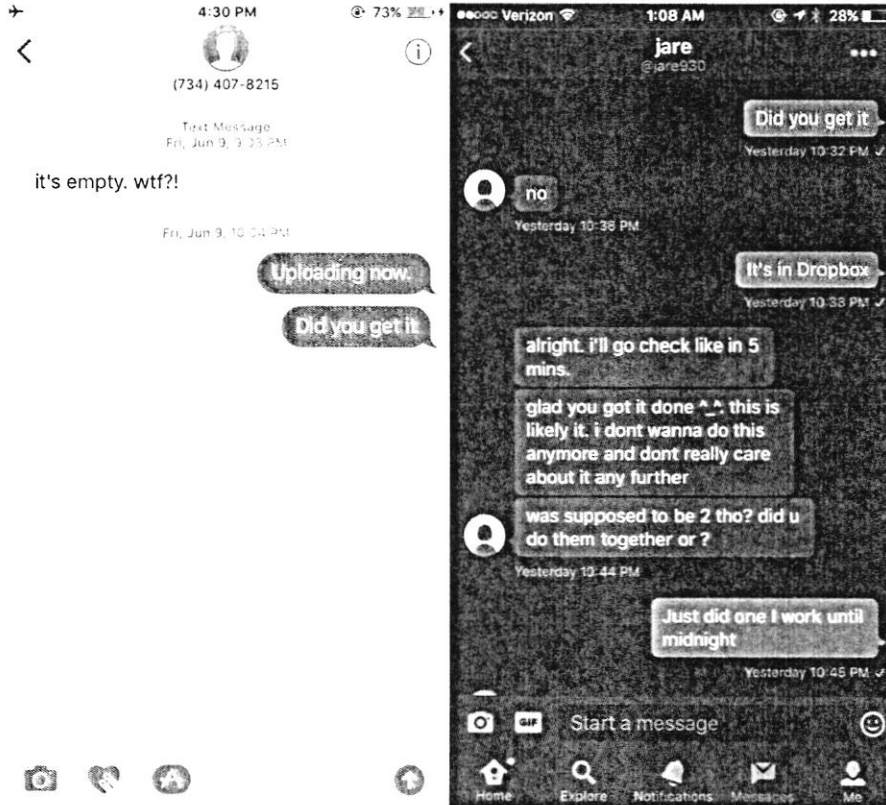
HERNANDEZ Threatens to Kill and Rape Victim 2 and Victim 2’s Family

On or about June 9, 2017, law enforcement interviewed Victim 2.

HERNANDEZ was still extorting Victim 2, and had been instructing Victim 2 to upload images and videos to a Dropbox.com account known to investigators. The Dropbox.com account was not publicly accessible.

On June 9, 2017, United States Magistrate Judge Debra McVicker Lynch entered an order permitting the government to use an “employ” to identify the IP address associated with HERNANDEZ who was presently extorting Victim 2. With the consent of Victim 2, law enforcement began communicating with HERNANDEZ as Victim 2 in an undercover capacity. During law enforcement’s undercover communications with HERNANDEZ, and under the lawful authority given to them by the Court’s order, the FBI uploaded a small piece of code to a 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 code to the Dropbox.com account known only to HERNANDEZ and Victim 2. When HERNANDEZ viewed the video containing the code on a computer,

the code disclosed the true IP address associated with the computer used by HERNANDEZ. Screenshots of the communications follow:



After receiving the video, and in retaliation for not sending HERNANDEZ the desired sexually explicit images, HERNANDEZ began sending messages to the family of Victim 2 stating that HERNANDEZ was going to murder and rape them. Using the true IP address, law enforcement officers located HERNANDEZ at his residence in Bakersfield, California.

During HERNANDEZ's August 3, 2017 arrest, and just as law enforcement officers entered his room, HERNANDEZ intentionally removed the thumb drive containing the operating system that was designed to erase itself upon removal from the computer in an intentional effort to destroy evidence.

As set forth in Count 39, on or about August 3, 2017, in Bakersfield, California, and elsewhere, the defendant, BUSTER HERNANDEZ, corruptly altered, destroyed, mutilated, or concealed a record, document, or other object, that is, evidence of his criminality, or attempted to do so, with the intent to impair the object's integrity or availability for use in an official proceeding, namely, the federal criminal investigation of his conduct occurring in the Southern District of Indiana, in violation of Title 18, United States Code, Section 1512(c).

Additionally, and as set forth in Counts 33 through 38, between on or about 2012, and on or about August 3, 2017, within the Southern District of Indiana, and elsewhere, the defendant, BUSTER HERNANDEZ, used the threat of physical force against Victims 1, 3, 4, 5, 6, and 7 by threatening to kill, injure, kidnap, or disseminate images and videos depicting minors engaged in sexually explicit conduct, with the intent to hinder, delay, or prevent the communication to a state or federal law enforcement officer relating to the commission of a Federal offense, namely production, distribution, and possession of child pornography, as more particularly described below:

Count	Date	Victim
33	2012 to 8.3.2017	Victim 1
34	2012 to 8.3.2017	Victim 3
35	2012 to 8.3.2017	Victim 4
36	2012 to 8.3.2017	Victim 5
37	2012 to 8.3.2017	Victim 6

38	2012 to 8.3.2017	Victim 7
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As set forth in Counts 40 and 41, between on or about December 12, 2015, and on or about August 3, 2017, in the Southern District of Indiana and elsewhere, the defendant, BUSTER HERNANDEZ did knowingly, with the intent to retaliate, take an action harmful to Victims 1 and 7 for providing to a law enforcement officer truthful information relating to the commission of a Federal offense, in violation of Title 18, United States Code, Section 1513(e).

<u>Count</u>	<u>Date</u>	<u>Victim</u>
40	2012 to 8.3.2017	Victim 1
41	2012 to 8.3.2017	Victim 7

Victims 11 and 12

HERNANDEZ further admits that between in or about 2013 and on or about August 3, 2017, Victims 11 and 12 were minors who resided in Florida and Virginia, respectively. Beginning sometime in 2013, and continuing until August 3, 2017, HERNANDEZ, using the means and methods described above, coerced Victims 11 and 12 to produce and distribute images and videos depicting Victims 11 and 12 engaging in sexually explicit conduct knowing that Victims 11 and 12 were minors. HERNANDEZ continued to sexually extort Victim 11 after she turned 18. The devices used to create the child pornography of Victims 1-6, 11 and 12, were manufactured outside of the State of Indiana or contain parts that were manufactured outside of the State of Indiana, and therefore, traveled in interstate or

foreign commerce. HERNANDEZ used the Internet, which is a facility of interstate commerce to extort adult and minor victims, threaten to use explosive devices, and threaten to kill, rape, kidnap, and injure his victims.

Respectfully submitted,

JOSH J. MINKLER
United States Attorney

2/6/20
DATE



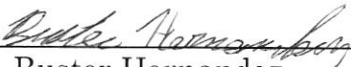
Tiffany J. Preston
Assistant United States Attorney

2/6/20
DATE



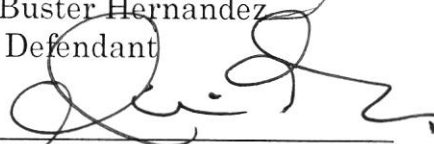
Steven D. DeBrot
Deputy Chief

2.6.20
DATE



Buster Hernandez
Defendant

2-6-20
DATE



Mario Garcia
Counsel for Defendant

UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF INDIANA
 INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Cause No. 1:17 CR-0183- TWP-TAB
BUSTER HERNANDEZ,)	
)	
Defendant.)	

ADDENDUM TO STATEMENT OF FACTS

<u>Group Description</u>	<u>Exhibit Description</u>	
Data From Accounts	Usernames	Account ID/Platform
1	Amanda Von	100012585907716 Facebook
2	Amanda Wick	100011818624075 Facebook
3	Angie Polanco	100008307797318 Facebook
4	Austin Palins	100007541897084 Facebook
5	Ava Courneya	100006375994549 Facebook
6	Be Here, amanda.carr.1401	100014453165617 Facebook
7	Bee Here, bee.here.351	100014413029095 Facebook
8	Been There, been.there.963	100014355223483 Facebook
9	blowout_	2874684907 Twitter
10	Bre Samson, bre.samson.3	100012023941094 Facebook
11	Brian Kil	100010814987915 Facebook
12	Brian Kil	100010933214415 Facebook
13	Brian Kil	100010942786802 Facebook
14	Brian Kil	100010950616854 Facebook

15	Brian Kil	100010955730926 Facebook
16	Brian Kil, maddie.gile.7	100010957772926 Facebook
17	Brian Kil	100010961130364 Facebook
18	Brian Kil, brian.kil.96	100011146412030 Facebook
19	Brian Kil, brian.kil.737	100011205363059 Facebook
20	Brian Kil, amy.brooks.7330763	100016102997596 Facebook
21	Brian Kilmore, Meghan Goss	100010945808324 Facebook
22	Brian Kils	100010908127372 Facebook
23	Brian Kils, brian.kils.9	100014405057040 Facebook
24	Brian_kil9	859202368470224896 Twitter
25	Brianna Davis	100009932925631 Facebook
26	Brianna Kilian, brianna.lik	100011039591590 Facebook
27	Brooke Arenas	100007580057664 Facebook
28	Brooke Purge, brooke.purge	100013013714201 Facebook
29	Call Dime, call.dime	100013020935163 Facebook
30	Call Dime, call.dime.9	100013042567348 Facebook
31	Carlea Dafur	100008295440232 Facebook
32	Catey Tracey, catey.tracey.5	100015660047049 Facebook
33	Catherine Tracy, catherine.tracy.37	100015666707793 Facebook
34	Chris Car, chris.car.14019	100011694597125 Facebook
35	Chris Walker	100011875033745 Facebook
36	Clear Waters	100009322978866 Facebook
37	Close Far	100004558305629 Facebook
38	Closed Color	100007985251407 Facebook
39	Closed Door	100004326708345 Facebook
40	Closed Door	100010149670095 Facebook
41	Closed Door	100010159984554 Facebook
42	Closed Door	100010182969013 Facebook
43	Closed Doors	100005918267754 Facebook
44	Closed Left	100006227325714 Facebook
45	Clutter Removed	100008224770428 Facebook
46	Colain Greeny	100012663216544 Facebook
47	Color Black, taryn.hardill	100008251063963 Facebook
48	Color Black	100009692743075 Facebook
49	Color Blacks	100010147299243 Facebook
50	Color Blue	100008134180459 Facebook
51	Color Close, riana.close	100007267599339 Facebook
52	Color Green	100004822057718 Facebook
53	Color Green	100006719954716 Facebook
54	Color Mix	100008311983983 Facebook
55	Color Moon	100007679294763 Facebook
56	Color Rain	100008337164543 Facebook
57	Color Red	100006074238315 Facebook
58	Color Red, color.red.9678	100009922507215 Facebook
59	Color Reds	100007740585546 Facebook
60	Color Slow	100008160015457 Facebook

61	Color White	100008162010935 Facebook
62	Colored Reds	100009960991125 Facebook
63	Coloring Red, beth.harris.5492	100012457603935 Facebook
64	Colour Green	100011530082704 Facebook
65	Coloured White	100011509067403 Facebook
66	Colured Grey, diana.harris.37604	100011358293313 Facebook
67	Daisy Cosmeo	100008033147167 Facebook
68	Diana May, diana.may.7967	100011362833817 Facebook
69	Draw Colors, jason.loras.9	100008337270135 Facebook
70	Drawn Line, drawn.line	100014399889610 Facebook
71	During After, samantha.stary.3	100007958377219 Facebook
72	Emily Leak, emily.leak.397	100015675181834 Facebook
73	Emma Leaked, emma.leaked	100013535403229 Facebook
74	Front Door	100008375675524 Facebook
75	Garret Henry	100007532865680 Facebook
76	Grean Colrng	100013164570722 Facebook
77	Haase Brey, haase.brey	100013389180996 Facebook
78	Hannah Leaked, hannah.leaked	100013485963036 Facebook
79	Harmony Raines	100007921367352 Facebook
80	Here Bee, here.bee.5	100014410236980 Facebook
81	hit me up (pytbv1@yandex.com), leaked_hacks1	4061920006 Instagram
82	Invil Cable	100010461183746 Facebook
83	Jack Lime	100005150417016 Facebook
84	jare930	827304929924628481 Twitter
85	Jared Jantil	100004446646456 Facebook
86	Jayna Melton	100005610254778 Facebook
87	Jillian Topur, jillian.topur	100010981393281 Facebook
88	Journeyy Charna, journeyy.charna.7	100017094736583 Facebook
89	Journeyy Leaked, journeyy.leaked.3	100017166455896 Facebook
90	Katie Henderson	100008214242433 Facebook
91	Kayla Bean	100007297756268 Facebook
92	Kel May, kel.may.7798	100014808903459 Facebook
93	Larry Nembers	100004569317055 Facebook
94	Listen Close	100006810225759 Facebook
95	Lori Harris	100011001696165 Facebook
96	Maddie Lauren, maddie.lauren.9	100011681628392 Facebook
97	Madison Vangorder	100006736098552 Facebook
98	Madison Vangordern	100005194369085 Facebook
99	Maine Purge	100010242488466 Facebook
100	Maine Purge, maine.purge.73	100013068484150 Facebook
101	Maine Purge	100013197707135 Facebook
102	Maine Purge, maine.purge.9887	100013804023323 Facebook
103	Maria Villa	100011754079411 Facebook
104	May June	100012173947496 Facebook
105	May June	100012606219451 Facebook
106	Meghan Arnet	100009708731179 Facebook

107	Mel Chris, mel.chris.142	100013747447901 Facebook
108	Missing Green, kasey.stary	100008010159969 Facebook
109	More Less	100007367475467 Facebook
110	Moved During, felin.stassy	100007922016740 Facebook
111	Moved Green	100005518394676 Facebook
112	Nancy Casey, nancy.casey.102	100009975971771 Facebook
113	Out Doors, megean.reed.3	100013332435619 Facebook
114	Pers Dot, pers.dot.9	100013225998675 Facebook
115	Plot Draw	100008069378451 Facebook
116	Purge Eva, purg.eva	100013141568667 Facebook
117	Purged Maine, purged.maine.1	100013748857863 Facebook
118	Rebecca Slutofsky	100005310284766 Facebook
119	Red Light, rachel.leer.73	100013587341163 Facebook
120	Ryan Vacay	100010055987308 Facebook
121	Sharp Turn	100008138192245 Facebook
122	Sierra Hanncock, amy.talmer	100016077705089 Facebook
123	Sierra Hanncock, brittany.kilgor	100016229373050 Facebook
124	Tangie Haris	100008327566834 Facebook
125	Tay Sines	100011725468786 Facebook
126	Taylor Sines	100011867905395 Facebook
127	Taylor Sines, taylor.sines.792	100011911056154 Facebook
128	Terra Parish	100010269517411 Facebook
129	Vanessa Ruiz	100011759392472 Facebook
130	Verb Noun, verb.noun.58	100007932913898 Facebook
131	Warped Haste, derrin.hasty	100007972267044 Facebook
132	We Uygt	100010595772799 Facebook
133	Wendy Meen, wendy.meen.5	100015457904322 Facebook
134	Went Slowed	100008160240888 Facebook
135	148232212184674	148232212184674 Facebook
136	1495085527469936	1495085527469936 Facebook
137	1649536395316734	1649536395316734 Facebook
138	1659147381006769	1659147381006769 Facebook
139	396901027175660	396901027175660 Facebook
140	421287848077695	421287848077695 Facebook
141	174.134.134.97	Brighthouse Internet Subscriber Data
142	briankil	Tumblr
143	brian-kil	Tumblr
144	closed78@hushmail.com	Hushmail
145	dmzx3@hush.ai	Hushmail
146	drawback8@hushmail.com	Hushmail
147	dtvx1@hushmail.com	Hushmail
148	dtvx2@hushmail.com	Hushmail
149	edwe0@hushmail.com	Hushmail
150	jare92o2@hushmail.com	Hushmail
151	jare9302@hushmail.com	Hushmail
152	uygt9@hushmail.com	Hushmail

153	amp98@hushmail.com	Hushmail
154	amp988@hushmail.com	Hushmail
155	ampy88@hushmail.com	Hushmail
156	close77@hushmail.com	Hushmail
157	closed77@hushmail.com	Hushmail
158	dkl6@hushmail.com	Hushmail
159	dmzx9@hush.ai	Hushmail
160	drawback88@hushmail.com	Hushmail
161	drawback888@hushmail.com	Hushmail
162	fire89@hush.ai	Hushmail
163	gfjy6@hushmail.com	Hushmail
164	hgz5@hushmail.com	Hushmail
165	idont698@hush.ai	Hushmail
166	ixze6@hush.ai	Hushmail
167	jare93o2@hushmail.com	Hushmail
168	jare9202@hushmail.com	Hushmail
169	jare9402@hushmail.com	Hushmail
170	jareht@hushmail.com	Hushmail
171	jaynawhore@hush.ai	Hushmail
172	kxze@hushmail.com	Hushmail
173	oo9777@hushmail.com	Hushmail
174	oo9779@hushmail.com	Hushmail
175	oo97777@hushmail.com	Hushmail
176	oo977777@hushmail.com	Hushmail
177	szxw7@hushmail.com	Hushmail
178	talkfa2qa@hushmail.com	Hushmail
179	taylor.la@hushmail.com	Hushmail
180	terminal343@hush.ai	Hushmail
181	tklw5@hushmail.com	Hushmail
182	tr3e@hushmail.com	Hushmail
183	trte4rr7t@hushmail.com	Hushmail
184	vrtyd99@hushmail.com	Hushmail
185	wder22@hushmail.com	Hushmail
186	yh56y@hushmail.com	Hushmail
187	yh65w@hushmail.com	Hushmail
188	yh65y@hushmail.com	Hushmail
189	yhj8@hushmail.com	Hushmail
190	ytrd4@hushmail.com	Hushmail
191	zxgot@hushmail.com	Hushmail
192	zsgots@hushmail.com	Hushmail
193	zza8000@hushmail.com	Hushmail
194	zza8800@hushmail.com	Hushmail
195	cop.killer.pipeb@yandex.com	Yandex
196	cop-killer-pipeb@yandex.com	Yandex