

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

United States of America
v.

Dakotah James Gilmore
[DOB 08-18-1990]

Case No.
22-mj-2004DPR

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 02-01-2020 through 01-21-2022 in the county of Jasper in the
Western District of Missouri, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2252(a)	See Attachment A.
18 U.S.C. § 2252(b)	

This criminal complaint is based on these facts:

See attached Affidavit of Homeland Security Investigations Task Force Officer Brian Martin (Attachment B).

Continued on the attached sheet.



Complainant's signature

HSI TFO Brian Martin

Printed name and title

Sworn to before me over the telephone and signed by me pursuant to Fed.R.Crim.P. 4.1 and 4(d).

Date: 1/24/22



Judge's signature

City and state: Springfield, Missouri

Chief Magistrate Judge David P. Rush

Printed name and title

ATTACHMENT A

CHARGE:

Beginning on an unknown date, but as early as February 1, 2020, and continuing through January 21, 2022, said dates being approximate, in Jasper County, in the Western District of Missouri, **DAKOTAH JAMES GILMORE**, the defendant, knowingly received and distributed any visual depiction that had been mailed and shipped and transported in interstate commerce, and which contains materials which had been so mailed and shipped and transported by any means, including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct and which visual depiction was of such conduct, all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

RANGE OF PUNISHMENT:

18 U.S.C. §§ 2252(a)(2) and (b)(1)
NLT 5 Years
NMT 20 Years Imprisonment
NMT \$250,000 Fine
NLT 5 Years or Life Supervised Release
Class C Felony

Restitution

\$100 Special Assessment

\$5,000 JVTA Special Assessment

ATTACHMENT B

AFFIDAVIT OF HOMELAND SECURITY INVESTIGATIONS
TASK FORCE OFFICER BRIAN MARTIN

I, Brian Martin, Task Force Officer (TFO) with Homeland Security Investigations (HSI), being duly sworn, do state the following:

1. I have been employed as a deputy sheriff with the Barry County, Missouri, Sheriff's Office, since 1997 and a sworn law enforcement officer since 1985. I am assigned as a TFO with HSI/ICE and a member of the Southwest Missouri Cyber Crimes Task Force (SMCCTF) headquartered in Joplin, Missouri. As an investigator with these entities, I have been tasked to investigate computer crimes, including violations against children. I have gained expertise in the conduct of such investigations through training in seminars, classes, and everyday work related to conducting these types of investigations. I have attended trainings provided by the Internet Crimes Against Children Program, the Federal Bureau of Investigation's Regional Computer Forensic Laboratory, and the Missouri Internet Crimes Against Children (ICAC) Task Force. I have authored, executed, or assisted in over 200 search warrants on the state and federal level.

2. This affidavit is submitted in support of a criminal complaint charging Dakotah James GILMORE with violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1), Receipt and Distribution of Child Pornography.

3. The statements in this affidavit are based on my personal observations, my investigation of this matter and information obtained from other law enforcement officers and witnesses. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, this affiant has not included each and every fact known to me concerning this investigation. Your affiant has set forth the facts necessary to establish probable cause to believe

that Dakotah James GILMORE has violated 18 U.S.C. §§ 2252(a)(2) and 2252(b)(1), Receipt and Distribution of Child Pornography.

STATUTORY AUTHORITY

4. Title 18, United States Code, Section 2251(a) prohibits a person from knowingly receiving, or distributing, any visual depiction using any means or facility of interstate or foreign commerce or that have been mailed, or have been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproducing any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails, if the producing of such visual depiction involves the issue of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

DEFINITIONS

5. The following definitions apply to this Affidavit:
- a. The term “minor,” as defined in 18 U.S.C. § 2256(1), refers to any person under the age of eighteen years.
 - b. The term “sexually explicit conduct,” as defined in 18 U.S.C. § 2256(2)(A)(i-v), is defined as actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic areas of any person.
 - c. The term “visual depiction,” as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic

means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

PROBABLE CAUSE

5. On March 27, 2020, the SMCCTF received CyberTip (CT) 64127049 from the National Center for Missing and Exploited Children (NCMEC) indicating that Kik Messenger (hereinafter Kik) had discovered nine files containing suspected child pornography had been uploaded by a user during a chat session that occurred on February 2, 2020. Kik reported that the images were sent by a user with a screen / user name of “kirito13_13” to another Kik user via a private chat message. Kik viewed the entire contents of the uploaded files before reporting the images to NCMEC. Kik provided the registered email associated with the suspect as codygilmore49@yahoo.com. The files were uploaded on February 2, 2020, from IP address 173.25.49.145, a Mediacom IP address.

6. This affiant reviewed the ten files submitted with the CT, and determined that nine of the files contained child pornography, that is, child less than 18 years of age engaged in sexually explicit conduct. The other file was subscriber data for kirito13_13_, created and provided by Kik with the CT. This affiant has provided random descriptions of the some of the files below:

- A file containing a 32-second video depicting an adult male masturbating over and into the mouth of a child who appears no older than five.
- A file containing a 14-second video depicting two prepubescent females masturbating each other with foreign objects.
- A file containing a one minute and 17-seconds long video depicting two naked prepubescent females lying on a bed engaging in sexual conduct on each other.

- A file containing an almost two-minute video depicting an adult male masturbating over the face of a child who appears less than four or five years of age. In the video, the child keeps attempting to move away from the adult, but he keeps pulling her back. The adult male performs several sex acts on the child.

7. This affiant sent an investigative subpoena to Mediacom for subscriber information for IP address 173.25.49.145. On April 17, 2020, Mediacom responded to the investigative subpoena indicating the subscriber was Judith Cross, 1503 South Murphy Lane, Joplin, Missouri 64801.

8. On November 21, 2020, NCMEC received CT 83004174 from Kik indicating that they discovered 14 files containing suspected child pornography had been uploaded by a user during a chat sessions that occurred between November 1, 2020, and November 6, 2020. Kik reported that the image was uploaded by a user with the user / screen name “zoro_13_13_7dl.” Kik provided the registered email of codygilmore45@yahoo.com for the suspect. The files were uploaded from IP address 173.25.49.145, a Mediacom IP address, the same IP address used by the suspect in CT 64127049. Kik reviewed the entire contents of the files of suspected child pornography. NCMEC found that one of the files was apparent child pornography because the uploaded file matched the hash value of an uploaded file from a previously viewed and categorized CT. This affiant reviewed the 14 files and found they all contained images depicting prepubescent females engaging in sexual contact with each other, or the lascivious displaying of their genitalia.

9. On May 27, 2021, the SMCCTF received CT 88853520 from NCMEC indicating that Dropbox had discovered files containing suspected child pornography that had been uploaded to the Dropbox servers. Dropbox reported that the suspect’s screen / user name was Cody Gilmore, and his email address (which was verified on August 6, 2017) was codygilmore98@gmail.com.

Dropbox included a list of IP addresses used by the suspect, which included IP Address 173.25.49.145, which was used to login to Dropbox several times between August 14, 2020, and February 5, 2021.

10. This affiant reviewed the five files uploaded with CT 88853520. All of the files had been reviewed by Dropbox before this affiant reviewed them. Dropbox categorized two of the files as depicting a prepubescent minor engaged in a sex act, one of the files as a prepubescent minor engaged in a lascivious exhibition, and one of the files as a pubescent minor engaged in a sex act. NCMEC, based on either a review of the uploaded files or a hash match of the file to a visually similar file that was previously viewed and categorized by NCMEC, categorized four of the files as apparent child pornography. This affiant has provided description of some of the files below:

- A file containing an almost six and half minutes video that depicted a minor male and a minor female. Both are partially clothes in the beginning of the video. The female stripped and sat by the male who began rubbing her vagina and they began kissing in a sexual manner. The male removed his shorts and the female began sucking on his erect penis
- A file containing a ten seconds video that depicted a young female performing oral sex on a prepubescent male.
- A file containing a two-minute video that depicted a naked minor female kneeling on a bed. She was laying on her back and rubbing her breasts. She then rose up and pulled a partially naked prepubescent male to her, and had him suck on her breasts.

- A file containing a two-minute video that depicted the two minors in the previously described two-minute video on the same bed engaged in sexual contact with the female rubbing her vagina on the child's penis, then performing oral sex on him.

11. On December 15, 2021, the SMCCTF received CT 105643852 from NCMEC indicating that Kik had discovered ten files containing suspected child pornography that had been uploaded by a user during a chat session on October 19, 2021. Kik reported that the image was sent by a user with user / screen name of "codyg1313_19i" to another Kik user via private chat message. Kik provided the registered email of codygilmore28@yahoo.com for the suspect. The files were uploaded from IP address 173.25.50.38, a Mediacom IP address. This affiant reviewed the ten files of suspected child pornography that submitted with the CT, which Kik had already viewed, and determined they all contained child pornography, that is, child less than 18 years of age engaged in sexually explicit conduct. NCMEC classified all ten files as apparent child pornography based on either NCMEC's review of the uploaded files or a hash match of the uploaded files to visually similar files that had been previously viewed and categorized by NCMEC.

12. On December 15, 2021, the SMCCTF received CT 105770198 from NCMEC indicating that Kik had discovered 21 files containing suspected child pornography that had been uploaded by a user during a chat session on October 6, 2021. Kik reported that the images were shared in a messaging group by a user with the user / screen name of "codyg131328_rl3." Kik provided the registered email for the suspect as codygilmore30@yahoo.com. The files were uploaded from IP address 172.58.61.171, and IP address 172.58.139.47, both T-Mobile IP addresses. Kik also provided the IP address of 173.25.50.38, the same IP address that Kik reported was used by the suspect in CT 105643852, used by the suspect on October 26, 2021, to login to

his Kik account. This affiant reviewed the 21 files of suspected child pornography that were submitted with the CT, which Kik had already viewed, and determined they all contained child pornography, that is, child less than 18 years of age engaged in sexually explicit conduct.

13. On Friday, January 7, 2022, Mediacom responded to the Investigative Subpoena sent to them by the affidavit on December 21, 2021, requesting subscriber information for IP address 173.25.50.38, indicating the subscriber was Judith Cross, 1503 South Murphy Lane, Joplin, Missouri 64801.

14. On December 26, 2021, your affiant drove past the house and observed two vehicles parked in the driveway. One of the vehicles was registered to Rebecca Puckett, with an associated address of 1503 South Murphy Lane, Joplin, Missouri 64801. The other vehicle was registered to Puckett and Samantha Gilmore. A public records database check listed Puckett and Gilmore as the residents of 1503 South Murphy Lane, Joplin, Missouri 64801. The home was previously occupied by Judith Cross who died on July 24, 2009. A public records database check of Samantha Gilmore revealed a relative named Dakotah James GILMORE. A public records database check of Dakotah GILMORE indicated that Cody Gilmore was an alias name used by Dakotah GILMORE. Specifically, there was a public Facebook profile for “Cody Gilmore” and the profile image for “Cody Gilmore” appeared to match the Missouri Department of Revenue photo for Dakotah GILMORE. Furthermore, “Cody Gilmore” tagged “Becky Puckett” and “Samantha Gilmore” in many of his public Facebook posts. According to the Department of Revenue, 1503 South Murphy Lane, Joplin, Missouri 64801, was the address listed on GILMORE’s Missouri Non-Driver’s identification. 1503 South Murphy Lane, Joplin, Missouri 64801 was also associated with GILMORE on hunting licenses and credit checks.

15. On January 21, 2022, members of the SMCCTF, with the assistance of other law

enforcement agencies, executed a federal search warrant on GILMORE's residence at 1503 South Murphy Lane. GILMORE was the only person present at the time the officers arrived.

16. GILMORE was interviewed by this affiant and SMCCTF TFO Chris Thresher. Prior to interviewing GILMORE, he was read his *Miranda* rights. During the interview, GILMORE admitted to viewing and distributing child pornography for at least two years, using several different Kik accounts. GILMORE advised that after Kik would close the accounts for violating their terms of service, he would set up a new account with a disposable Gmail address, always using his name and two random numbers after his name. He also stated that he was a member of at least 50 child pornography groups on Kik. This affiant is aware that most of these groups require individuals to distribute child pornography before allowing individuals to join the group. GILMORE admitted to regularly viewing these images and videos as recently as this month. He stated that he would save the child pornography until after he masturbated to them and then would delete the files. GILMORE admitted to having a sexual interest in children. GILMORE admitted to using his cellular device, identified as an iPhone, to search for child pornography using "Kik." Finally, GILMORE stated that he had stored files of child pornography in a Dropbox online storage account until it had been closed by Dropbox.

17. After interviewing GILMORE, this affiant spoke to Becky Puckett, GILMORE's mother, and Samantha Gilmore, GILMORE's sister. Samantha has a 12-year-old child living at the residence at 1503 South Murphy. At that time, Becky stated that GILMORE was no longer welcome at the residence because of the 12-year-old child living in the home and further stated if he stayed at the home, she would "kill him." Since Becky would not allow him to stay at the residence and GILMORE has no income, GILMORE was immediately homeless and unable to secure any type of stable housing.

18. A preliminary examination of GILMORE's cellular telephone revealed files of child pornography and indicated that GILMORE sent text communications to another recipient, which contained suspected child pornography. The suspected child pornography depicted prepubescent children, no older than five years old, being sexually abused, including being subjected to vaginal intercourse.

19. Based upon the above facts, this affiant believes there is probable cause in support of a criminal complaint against Dakotah James GILMORE for violation Title 18, United States Code, Section 2252, that is, Receipt and Distribution of Child Pornography.



Brian Martin
Task Force Officer
Homeland Security Investigations

Subscribed and sworn to before me via telephone this 24th day of January 2022.



HONORABLE DAVID P. RUSH
Chief United States Magistrate Judge
Western District of Missouri