

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Scott Labor, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) of the United States Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (HSI). I am currently assigned to the Office of the Special Agent in Charge, Boston, Massachusetts, and have been employed in that capacity since June 2005. Since June 2013, I have been assigned to the Resident Agent in Charge, Derby Line, Vermont. My current duties as an SA include investigating violations of production, possession, distribution, and receipt of child pornography. As an SA with HSI, I have received specialized training on how to conduct these investigations and am familiar with and have received training regarding federal laws relating to child exploitation offenses, including the unlawful production, possession, distribution, and receipt of child pornography, in violation of 18 U.S.C. §§ 2251, 2252, and 2252A. I have conducted and participated in several investigations of violations of those statutes. I have also previously assisted in the execution of numerous federal search warrants in connection with these investigations.

2. I make this affidavit in support of a criminal complaint charging Wayne Miller with violating 18 U.S.C. § 2251(a) (production of child pornography).

3. The statements contained in this affidavit are based upon my investigation into this matter, information provided to me by other law enforcement officers, and my experience and training as an HSI Agent.

4. Because this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included each and every fact known to me concerning this

investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that Wayne Miller has violated 18 U.S.C. § 2251(a) (production of child pornography).

PROBABLE CAUSE

5. I have reviewed a report prepared by Vermont Internet Crimes Against Children (VT-ICAC) Commander Matthew Raymond and to which he swore on December 2, 2021. I have spoken with Cmdr. Raymond about his report, which he still believes to be true and correct. I am also familiar with the facts of this case through my personal involvement and believe that Cmdr. Raymond's report is true and correct. Excerpts from Cmdr. Raymond's report are below¹:

a. I received CyberTipline Report 82761000 from the National Center for Missing and Exploited Children (NCMEC) CyberTipline. I reviewed the Cybertip, performed some preliminary investigation, and assigned this Cybertip to [VT-ICAC] Detective Elizabeth Felicciardi for further investigation.

b. Detective Elizabeth Felicciardi completed an affidavit in this case which states in part:

i) The tip was reported to NCMEC by Google and was in reference to files of suspected child sexual abuse material (CSAM), formerly referred to as child pornography.

ii) Google reported the following suspect information:

Name: Derek Guyette

Email Address: likfathrlikson87@gmail.com (Verified)

¹ The excerpts from Cmdr. Raymond's report are reproduced verbatim. That said, I have done light editing to the report to remove irrelevant content and to format the excerpts, but the content is reproduced verbatim. Where brackets ([]) are used, they are used to indicate changes I made to the report's content.

iii) Google provided one (1) file of suspected CSAM that was uploaded from the suspect account. I reviewed the aforementioned image file and observed the following:

Google-CT-RPT-a6fee1657370c1859ad88fc09fa9822- is an image file depicting the lower torso of a prepubescent male child who appears to be under the age of 3. The male child is naked, laying on his back with his legs open and in the air. His penis is fully visible. The penis of an adult male is above the child's body, and it appears the male is masturbating over the child as a hand is gripping the adult's penis. It appears the adult male ejaculated on the male child as there is a whitish liquid substance consistent with semen on the genitals and crotch area of the male child.

iv) Google reported the image was uploaded from IP Address 2601:18c:4080:2660:ed49:a244:b851:746b on 11-11-2020 16:48:31 UTC.

v) According to the American Registry for Internet Numbers (ARIN), the IP Address 2601:18c:4080:2660:ed49:a244:b851:746b is registered to Comcast Cable Communications, Inc.

vi) VT-ICAC caused information to be obtained, via a Customs summons, from Comcast Cable Communications, Inc., for the subscriber information for the IP Address 2601:18c:4080:2660:ed49:a244:b851:746b on 11/11/20 at 16:48 UTC.

vii) Comcast Cable Communications responded to the summons advising the IP Address was assigned to an account belonging to Wayne Miller with a service and billing address of 87 Depot Rd in Hartland, VT. The associated telephone number for the account was listed as 860-502-9572 and the account number was listed as 8773500850105021. The account status was listed as Active.

viii) I applied to the Windsor Superior Court Criminal Division for a search warrant to search the Google Account of likfathrlikson87@gmail.com for evidence of child sexual exploitation from the account creation date to the present.

c. Detective Elizabeth Felicciardi completed a [second] affidavit in this case which states in part:

i) Google produced records pursuant to the search warrant, which were received electronically. The return contained records from October 1, 2020 through December 31, 2020.

ii) The return included Subscriber Information, which contained the following information:

Google Account ID: 63402413763
Name: Derek Guyette
Given Name: Derek
Family Name: Guyette
e-Mail: likfathrlikson87@gmail.com
Alternate e-Mails:
Created on: 2019-04-20 12:54:05 UTC
Terms of Service IP: 2601:18c:4302:bda:c064:b55d:f015:bdf9
Terms of Service Language: en
Birthday (Month Day, Year):XXXXXXXX XX, 1987²
Services: Gmail, Location History, Android, Google Calendar, YouTube, Google Hangouts
Status: Disabled
End of Service Date: 2020/11/11-16:48:37-UTC

iii) A search of Gmail email records for likfathrlikson87@gmail.com revealed the following:

² I redacted the birthdate.

(1) Emails sent to and from drekguy08grad@gmail.com (this account was seen using the names: Derek Guyette and derek guyson). These emails include:

(a) An email sent from drekguy08grad@gmail to drekguy08grad@gmail.com and likfathrlikson87@gmail.com on October 10, 2020 titled, "vids." The email contained [] links [to website locations that appear to have CSAM content].

(b) An email sent from likfathrlikson87@gmail.com to drekguy08grad@gmail.com on November 11, 2020 at 11:48:39AM that contained Child Sexual Abuse Material, described below:

(i) **Lilb – 5Yo With Nice, Big Dick! Gets A Nice Erection! Man Fondles Him Then Boy Sucks Man!_1.gif** is a gif file depicting a male child who appears to be under the age of 6 between the legs of an apparent adult male. The child is holding the adult male's penis in his hands and the child is putting the adult male's penis in his mouth.

(ii) **5Yo Sucks Dads Dick In The Shower- Spits Out Cum-Pthe Gay Bo_1.gif** is a gif file depicting a naked male child who appears to be under the age of 7 standing in a shower in front of an apparent naked adult male. The child is holding the adult's penis in his hand and putting it in his (the child's) mouth.

(iii) The following is not a file of CSAM, but is relevant to the investigation. **20200801_224032_2.gif** is a gif file of an apparent adult male wearing blue underwear with bananas on them. The male is grabbing his genitals over the underwear while standing in front a crib with what appears to be a child in it.

(c) An email sent from likfathrlikson87@gmail.com to drekguy08grad@gmail.com on November 11, 2020 at 11:49:44 AM contained 11

attachments, most of which were Child Sexual Abuse Material. I will describe some of them below:

(i) **20200722_214022.jpg** is an image file depicting what appears to be a close up of an adult male penis in front of a crib with a toddler aged child in it. It appears to be the same crib as seen in image 20200801_224032_2.gif.

(ii) **20200609_014155.jpg** is an image file depicting a child who appears to be under the age of 4 in between the legs of a nude apparent adult male holding the adult's penis with their hands. The adult's penis appears to be in or touching the child's mouth.

(iii) **IMG_20200803_122547_498.jpg** is an image files depicting a male child who appears to be under the age of 3, nude from the waist down. The child's legs are spread open and in the air, exposing his penis and anus. An apparent adult male's penis appears to be slightly penetrating or touching the child's anus.

(iv) **IMG_20200609_230146_577.jpg** is the image file contained in the Cybertip[].

(v) **20200625_172352.jpg** is an image file depicting a child who appears to be under the age of 3 holding the penis of an apparent adult male with their hands. The adult's penis is touching the child's mouth. A piece of material blue in color with white polka dots is seen in the background. This photo contained data indicating it was taken on 6/25/2020 at 5:23:52 PM with camera model SM-G970U. A search for this camera model revealed it was a Samsung Galaxy cellphone.

(vi) **20200625_172417.jpg** is an image file depicting a male child who appears to be under the age of 3. The child is nude with his legs

spread open and in the air, exposing his genitals. The penis of an apparent adult male is touching the child's genitals. The same blue with white polka dot material is seen under the child. This photo contained data indicating it was taken on 6/25/2020 at 5:24:17PM with camera model SM-G970U.

(d) Including the two image files described above, a total of 6 image files contained date/time and camera information (SM-G970U). All but two were image files of an apparent adult male's genitals and a toddler-aged male's genitals. Two of the image files depicted an apparent adult male, visibly naked from the waist down exposing his penis, standing in front of a crib with a sleeping child that appeared to be under the age of 3 inside. This crib appears similar to the crib in the gif file described [above].

(e) An email dated October 15, 2020 from dad@hjmag.com that states, "Hi Wayne" in the body of the email.

d. Detective Elizabeth Felicciardi completed a [third] affidavit in this case which states in part:

i) According to preliminary investigation, the IP Address reported in the Cybertip resolved back to a Comcast Cable Communications account registered to Wayne Miller (DOB XX/XX/1987) with a service address of 87 Depot Street in Hartland, Vermont.

ii) An open-source internet search for "Wayne Miller Vermont" revealed multiple articles about Miller. One article from website events.vermontbiz.com/wayne-miller listed him as a Class of 2020 Rising Star. The website listed him as being 33 years old and the Founder and Director of Living Proof Mentoring. The article contained multiple photos of a male, visually similar to the male in the photo provided by DMV³.

³ [During the course of the investigation, law enforcement obtained a photo of Miller from the Vermont Department of Motor Vehicles.]

iii) In a photo posted on Miller's Facebook page on October 31, 2019, he appears to be taking a selfie with his cellphone; this cellphone appears to be a Samsung Galaxy phone.

6. On December 3, 2021, a federal warrant was obtained in the District of New Hampshire to search Wayne Miller's residence at 132 Chestnut Street, Apt. 3, Claremont, New Hampshire and to seize any computer or storage media used as a means of committing the offense described above (the Search Warrant). On or about December 1, 2021, I learned that Miller moved in mid-November 2021 from the Depot Road address in Hartland, Vermont, to the Chestnut Street address in Claremont, New Hampshire.

7. On December 8, 2021, other law enforcement officers and I executed the Search Warrant. As part of the search, we seized a cell phone, a Samsung Model S10e (the Subject Phone), from Wayne Miller that he had on his person at the time.

8. During execution of the Search Warrant, Cmdr. Raymond and I spoke with Miller. After being told that he was not in custody and was free to go, the following exchange occurred with Miller:

- a. He uses the Subject Phone to access the Internet and to make phone calls.
- b. The email accounts likfathrlikson87@gmail.com and drekguy08grad@gmail.com were both his. The email account likfathrlikson87@gmail.com had been shut down by Google. Miller last accessed drekguy08grad@gmail.com on the day of the search warrant execution. Miller intended to delete the child sexual abuse material from the email account, but that he had not done so. Miller said that law enforcement would find child sexual abuse material in his email account on his phone.

c. Cmdr. Raymond showed Miller the following images law enforcement had found in the account drekguy08grad@gmail.com:

i) A selfie image depicting the face of an adult male, found in the account. Miller confirmed that the image was him.

ii) Several images depicting an adult penis and groin area. Miller confirmed that the images were of him. Miller further identified the background of the images to be located at his former residence at 87 Depot Road Hartland, Vermont.

d. Cmdr. Raymond showed Miller the following images located by law enforcement in email account likfathrlikson87@gmail.com:

i) 20200602_000637.jpg – which is an image file depicting a nude adult, apparent adult male seated with a nude male toddler between his legs. The male's penis is resting on the toddler. Both the adult male and the toddler appear wet. The toddler appears to be holding the adult male's penis. The image is a close up of the genitals of both the adult and the toddler. The exif data for this image indicates the image was taken by a Samsung model SM-G970U. This model Samsung phone is a Samsung Galaxy S10e, the same as the Subject Phone. Miller confirmed that this image depicted him and a child known to him. Miller and this child had taken a bath together.

ii) 20200625_172352.jpg – which is an image file depicting a child who appears to be under the age of 3 holding the penis of an apparent adult male with their hands. The adult male's penis is touching the child's mouth. A piece of material blue in color with small white polka dots is seen in the background. The exif data for this image indicates it was created on June 25, 2020 at 5:16:32 PM and the image was taken by a Samsung model SM-

G970U. This model Samsung phone is a Samsung Galaxy S10e, the same as the Subject Phone. Miller confirmed that this image depicts him and a child known to him.

iii) 20200625_172417.jpg - which is an image file depicting a male child who appears to be under the age of 3. The child is nude with his legs spread open and in the air, exposing his genitals. The penis of an apparent adult male is touching the child's genitals. The same blue with small white polka dot material is seen under the child. The exif data for this image indicates it was created on June 25, 2020 at 5:15:27 PM by a Samsung model SM-G970U. This model Samsung phone is a Samsung Galaxy S10e, the same as the Subject Phone. Miller confirmed that this image depicts him and a child known to him.

e. Miller confirmed that all of the images described above were taken in Hartland, Vermont. Miller also confirmed that he took the images with his Samsung phone.

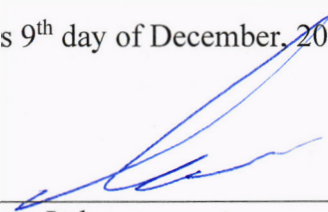
9. Based on my training and experience, I believe that the images detailed in paragraph 8, above, depict child pornography, as that term is defined in 18 U.S.C. § 2256.

10. I know, based on my training and experience, that Samsung cellular telephones are not manufactured in the State of Vermont.

CONCLUSION

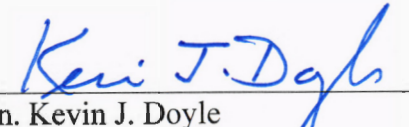
11. Based upon the above information, I respectfully submit that there is probable cause to believe that on or about June 25, 2020, Wayne Miller produced child pornography, in violation of Title 18 United States Code, Section 2251(a).

Dated at Burlington, in the District of Vermont, this 9th day of December, 2021.



Scott Labor
Special Agent
Homeland Security Investigations

Sworn to and subscribed before me this 9th day of December, 2021.



Hon. Kevin J. Doyle
United States Magistrate Judge