

**FILED**

**5/5/2022**

**THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

BRANDON J. BERGTHOLD

CASE NUMBER: 22CR261

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. From on or about September 1, 2021 to on or about September 2, 2021, at Frankfort, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

*Code Section*

Title 18, United States Code, Sections 2252A(a)(1)

*Offense Description*

knowingly transported child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), using a means and facility of interstate commerce, and in and affecting interstate commerce by any means, including by computer

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

*/s/ Anthony Stack*

ANTHONY STACK  
Task Force Officer, Federal Bureau of Investigation (FBI)

Pursuant to Fed. R. Crim. P. 4.1, this Complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the Complaint and Affidavit by telephone.

Date: May 5, 2022 2:20pm

*Jeffrey Cole*  
\_\_\_\_\_  
*Judge's signature*

City and state: Chicago, Illinois

JEFFREY COLE, U.S. Magistrate Judge  
*Printed name and title*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

**AFFIDAVIT**

I, ANTHONY STACK, being duly sworn, state as follows:

1. I am a Task Force Officer with the Federal Bureau of Investigation. I have been so employed since approximately January 2012. Since 2003, I have been employed by the Cook County Sheriff's Police Department, where I have been a member of the Child Exploitation Unit since 2008. My current responsibilities include the investigation of child exploitation and child pornography.

2. As part of my duties as an FBI Task Force Officer, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal distribution, receipt, and possession of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in multiple forms of media, including computer media. I also have participated in the execution of multiple federal search warrants, many of which have involved child exploitation and/or child pornography offenses.

3. I submit this affidavit in support of a criminal complaint alleging that Brandon J. Bergthold has violated Title 18, United States Code, Section 2252A(a)(1), knowing transportation of child pornography. Because I am submitting this affidavit for the limited purpose of establishing probable cause in support of a criminal

complaint charging BERGTHOLD with transporting child pornography, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint. The statements in this affidavit are based on my personal knowledge, and on information I have received from other law enforcement personnel and from persons with knowledge regarding relevant facts.

**I. FACTS SUPPORTING PROBABLE CAUSE TO SEARCH**

*Summary*

4. As described further below, on or about July 31, 2021, an FBI Online Covert Employee (“OCE”) received an unsolicited message from Kik user “freakybrando86” who purported to be interested in incest with minors. After exchanging several messages with “freakybrando86”, on or about September 1 and 2, 2021, “freakybrando86” sent images of child pornography to the OCE. Based on my investigation, I believe that the user of the “freakbrando86” Kik account was BRANDON J. BERGTHOLD, an Illinois registered sex offender, and that BERGTHOLD used the Bergthold Phone to send child pornography to the OCE. On May 5, 2022, law enforcement executed a search warrant for BERGHTOLD’s person for the Bergthold Phone and Bergthold’s residence, 7752 W. North Avenue, Frankfort, Illinois 60423 (“North Residence”), for evidence of child pornography offenses. Law enforcement recovered the Bergholdt Phone from BERGTHOLD. BERGTHOLD agreed to speak with law enforcement and signed a written *Miranda* waiver.

BERGTHOLD stated, among other things, that he sent child pornography to the OCE on September 1 to September 2, 2021.

*From July 31, 2021 to September 2, 2021, Kik User “freakybrando86” communicated with and sent child pornography to an OCE*

5. On July 31, 2021, an OCE operating out of the FBI New Haven Field Office, received an unsolicited direct message on a Kik account<sup>1</sup> maintained and operated by the FBI. The individual, identified by the Kik username “freakybrando86,” told the OCE he found the OCE’s information on a website that caters to individuals interested in incest.

6. From July 31 through September 2, 2021, the OCE and “freakybrando86” communicated using Kik’s direct message function. Kik user “freakybrando86” asked the OCE if the OCE was “active in incest” and the OCE responded affirmatively. Kik user “freakybrando86” said he was “active” with an individual—who “freakybrando86” described as a young minor relative—approximately ten years ago but that he was not currently “active.” Based on my

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<sup>1</sup> Based upon my training and experience, I know that Kik Messenger is an application that allows users to choose usernames and communicate with other users over the internet. Kik allows users to send and receive messages, images, and videos to or from individuals or groups of individuals. Kik users can communicate in chat groups. A chat group is a forum where multiple users can communicate with each other simultaneously. In a chat group, users’ communications can be viewed by all the other members participating in that group. A Kik chat group has multiple identifiers, including a group name and a “hashtag.” Because Kik can be used to send images and videos, it can be—and is—used to send child pornography. Some of the Kik chats from this investigation are summarized in this Affidavit. These summaries do not include all statements or topics covered during the course of the conversations.

training and experience, I know that the term “active” in this context, among individuals who have a sexual interest in children, means engaging in sexual activity.

7. On or about September 1, 2021, “freakybrando86” told the OCE he was willing to “share.” The OCE understood this to mean that “freakybrando86” either wanted to relate a narrative involving sex with minors with the OCE or to trade images and/or videos containing sexually explicit content with the OCE. The OCE responded to “freakybrando86” with the message “OK then send what you want.”

8. In response, “freakybrando86” sent the following image files:<sup>2</sup>

a. At approximately 2:33:45 p.m. “freakybrando86” sent an image file titled 0e430e2a-34e1-499f-ae0a-9a5a9c9355a5 of what appears to be a nude minor female with her hands above her head. Her vagina and breasts are visible in the image.

b. At approximately 2:33:49 p.m., “freakybrando86” sent an image file titled fdbc7975-0e4a-4745-a7cf-1734c98b6ed5 of what appears to be a nude minor female lying supine with distinct tan lines. Her breasts and vagina are visible in the image.

9. The OCE informed “freakybrando86” that his own daughter was much younger and thought that they were not “on the same page.” In response “freakybrando86” sent the following image file:

a. At approximately 2:40:41 p.m., “freakybrando86” sent an image file titled 0e93b66e-268f-4c36-98c4-00a642ec43a9 of what appeared to be a

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<sup>2</sup> All times provided in this affidavit are UTC.

prepubescent female's vagina. In the image a hand was visible and was manipulating the child's vagina.

10. The OCE asked who was in the image and "freakybrando86" replied, "My [young minor relative]" and also stated that the image was from "10 years ago." The conversation continued and "freakybrando86" described to the OCE his preference for children in the "8 to 16" age range.

11. On September 1, 2021 at approximately 7:05:25 p.m., "freakybrando86" sent the OCE the following image file titled 038512bc-b59c-4cc6-8106-4c686cbf6a0a that depicted a close-up image of a minor's vagina.

12. On September 2, 2021 at approximately 3:35:44 p.m., "freakybrando86" sent the OCE the following video file titled 1dfadef7-0684-42d7-8e98-8c76ab75a5fd that depicted an adult male engaging in vaginal intercourse with a prepubescent minor.

13. The OCE asked "freakybrando86" who the female was, and "freakybrando86" responded "Another father and his daughter . . . [s]omeone sent it to me." The conversation continued, and "freakybrando86" described to the OCE that he believed that incest was appropriate and said: "I strongly support incest and it should be accepted just like interracial marriages, gays and trans. I believe a fathers duty is to be the one to take their little girls virginity . . . a father should always cum in their daughters pussy. And daughter should have her first child with her dad."

14. On or about September 2, 2021, FBI served an administrative subpoena on Kik seeking subscriber information for the user "freakybrando86." According to

information received pursuant to the subpoena, the user “freakybrando86” has the following associated information:

- Email: freakybrando86@gmail.com (confirmed)
- Registration Date: March 1, 2019
- Registration IP: 172.58.140.154
- Device Type: Samsung, SM-G781U<sup>3</sup>

15. According to Kik records, the following IP addresses<sup>4</sup> were used to access the “freakybrando86” Kik account:

- 71.57.39.52 (Comcast) (the “Residential IP Address”)<sup>5</sup>
- Multiple T-Mobile IP Addresses

*Tips from NCMEC Relating to the Residential IP Address or “freakybrando86” Username*

16. On or about September 29, 2021, I ran the following identifiers through the National Center for Missing and Exploited Children (NCMEC) database:

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<sup>3</sup> According to information from Samsung, this device type is specifically a Samsung Galaxy model S20 FE 5G phone.

<sup>4</sup> “Internet Protocol address” or “IP address,” as used herein, refers to a unique number used by a computer, smartphone, tablet computer, or other digital device to access the Internet. An IP address looks like a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer or device accessing the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer or device may be directed properly from its source to its destination. Most Internet Service Providers (ISPs) control a range of IP addresses. IP addresses can be “dynamic,” meaning that the ISP assigns a different unique number to a computer or device every time it accesses the Internet. IP addresses might also be “static” if an ISP assigns a user’s computer a particular IP address that is used each time the computer accesses the Internet. ISPs typically maintain logs of the subscribers to whom IP addresses are assigned on particular dates and times.

<sup>5</sup> The identification of the 71.57.39.52 IP address as the Residential IP Address in this affidavit is based on, as described in paragraphs 23 to 24, Comcast records that show the Residential IP Address was registered to BRANDON BERGTHOLD at the North Residence.

- Freakybrando
- Freakybrando86
- IP address 71.57.39.52 (Comcast) (the Residential IP Address)

17. According to information I received from the NCMEC database, on or about August 8, 2021, the video messenger app Snapchat submitted a report under the file name “CyberTip #97687426” (“Tip 1”). The Tip 1 report indicated that a Snapchat user using the Residential IP Address posted two files depicting child pornography to the user’s Snapchat account. Specifically, the files were:

a. File Name: dal3kassass1n-None-9b7f1782-96ba-5ab9-8b04-081b54c66fce~24-ea79c64f95.jpg; Timestamp: 2021-08-07 03:43:57 UTC. I reviewed the images and found that it depicted a nude prepubescent child sitting on a chair with her legs spread apart, exposing her vagina, with what appears to be ejaculate on the chest of the prepubescent child.

b. File Name: dal3kassass1n-None-9b7f1782-96ba-5ab9-8b04-081b54c66fce~16-488f897f3e.mp4; Timestamp: 2021-08-07 04:48:12 UTC. I reviewed the images and found that it depicted an adult’s erect penis penetrating the vagina of a prepubescent child.

18. The Tip 1 report indicated that the Snapchat user who posted the above images had the following information:

- Phone Number: +1 815-334-7745 (the “Bergthold Phone”)<sup>6</sup>

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<sup>6</sup> The identification of the Bergthold Phone in this affidavit is based on, in part, the following: according to Snapchat records, the Snapchat account with username “dal3kassass1n”, which, as described below, sent OCE child pornography, is subscribed to the Bergthold Phone. According to T-Mobile records, the Bergthold Phone is subscribed to Bergthold’s mother at



- Date of Birth: 07-12-1986
- Screen/Username: dal3kassass1n
- IP address: 71.57.39.52 (the Residential IP Address)

According to Snapchat records for username “dal3kassass1n,” the account was created on December 28, 2019 and the display name is “Brandon.”

19. On November 15, 2021, I ran the Kik username “Freakybrando86” again through the NCMEC electronic database. According to information I received from the NCMEC database, on November 3, 2021, Kik submitted a report under CyberTip #106183249 (“Tip 2”). The Tip 2 report indicated that a Kik user with IP address 172.58.139.197 (Login) posted two video files depicting child pornography to the user’s Kik account. Specifically, the files were:

c. File Name: 34b1b78c-1242-4b98-84eb-c698b84c3555.mp4 (28 seconds in length), IP Address 71.57.39.52 (the Residential IP Address), Timestamp: 10-17-2021 17:44:50 UTC. I reviewed the video file and found that it depicted an adult male using his penis to penetrate the vagina of a prepubescent minor.

d. File Name: a7832517-7c38-49ca-b5d9-3b4f8a30f034.mp4 (52 seconds in length), IP Address 71.57.39.52 (the Residential IP Address), Timestamp: 10-17-2021 17:44:37 UTC. I reviewed the video file and found that it depicted an adult male using his penis to penetrate the vagina of a prepubescent minor.

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the North Residence, where BERGTHOLD currently lives. Additionally, as described in the affidavit, according to Comcast, the Bergthold Phone is associated with the Residential IP Address and Google account freakbrando86@gmail.com. Lastly, as described below, on May 5, 2022, law enforcement executed a search warrant of BERGTHOLD’s person and recovered a Samsung Galaxy model S20 FE 5G phone, which BERGTHOLD stated has been his phone for a year.

20. The Tip 2 report indicated that the Kik user who posted the above video files had the following information:

- E-mail Address: [freakybrando86@gmail.com](mailto:freakybrando86@gmail.com) (Verified)
- Screen/Username: freakybrando86
- ESP User ID: freakybrando86\_kij
- IP Address: 172.58.139.197 (Login)

*Law Enforcement Identifies “freakybrando86” as BRANDON BERGTHOLD*

21. According to the OCE, Kik user “freakybrando86” used a display image of a white male with red hair and a beard. The individual’s display name had a United States flag followed by the word “Brandon,” the rock hand gesture emoji (pinky and index finger up) followed by the letter “B” and an emoji of a speaker symbol. As shown in the screenshot below, as of September 3, 2021, user “freakybrando86” had been using Kik for 917 days. A photo of “freakybrando86”’s Kik profile is below:



22. On September 24, 2021, FBI served an administrative subpoena on Comcast for the Residential IP Address for date September 1, 2021. According to information received from Comcast, on September 1, 2021, the Residential IP Address was registered to:

- Name: BRANDON BERGTHOLD
- Address: North Residence
- Telephone Number: the Bergthold Phone
- E-mail: brandon\_bergthold@comcast.net, [bjberghold52@comcast.net](mailto:bjberghold52@comcast.net)

23. On March 23, 2022, I served another administrative subpoena on Comcast for the Residential IP Address. According to information I received from Comcast, the IP address was registered to:

- BRANDON BERGTHOLD North Residence
- Telephone Number: the Bergthold Phone
- E-mail address: brandon\_bergthold@comcast.net, [bjberghold52@comcast.net](mailto:bjberghold52@comcast.net)

According to Comcast IP lease history, the Residential IP Address was assigned to BRANDON BERGTHOLD from October 8, 2021 through March 23, 2022.<sup>7</sup>

24. On March 23, 2022, I served an administrative subpoena on Google for subscriber information for e-mail address [freakybrando86@gmail.com](mailto:freakybrando86@gmail.com). According to information I received from Google, e-mail address [freakybrando86@gmail.com](mailto:freakybrando86@gmail.com) has the following additional information:

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<sup>7</sup> The record returns provided by Comcast only go back for approximately six months prior to the service date. Therefore, it is possible that the Residential IP Address was assigned to BERGTHOLD prior to October 8, 2021.

- Google Account ID: 763343830505
- Name: Brandon
- Created on: 2019-02-27 08:17:09 UTC
- Recovery SMS: the Bergthold Phone

25. According to records from Google, the following IP addresses were used to access the “freakybrando86@gmail.com” account:

- 71.57.39.52 (Comcast) (the Residential IP Address)
- 2601:248:517f:2050... (Comcast)
- Multiple T-Mobile IP Addresses

26. On March 23, 2022, I served an administrative subpoena on T-Mobile for subscriber information for telephone number 815-334-7745 (the Bergthold Phone).

According to information I received from T-Mobile, the Bergthold Phone has the following additional information associated with it:

- Name: K. Bergthold<sup>8</sup>
- Address: the North Residence
- Date of Start of Service: February 24, 2019

27. I conducted a search of information maintained by the Illinois Secretary of State, and located an individual with the following identifiers:

- BERGTHOLD, BRANDON J.
- Date of Birth: July 12, 1986
- Address: the North Residence
- Driver’s License Photo:

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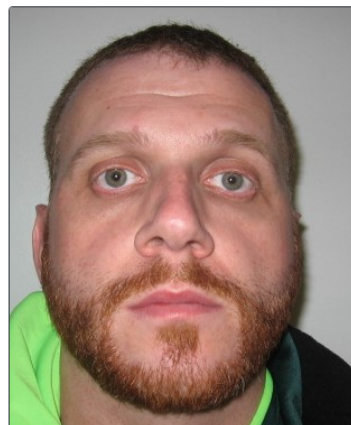
<sup>8</sup> Based on my knowledge of this investigation, I know that K. Bergthold is BRANDON BERGTHOLD’s mother.



28. According to the Illinois State Police, the individual identified above, BRANDON J. BERGTHOLD, is a registered sex offender in Illinois. Specifically, according to the Illinois State Police, on June 19, 2012, BERGTHOLD was convicted of Indecent Solicitation of a Child and sentenced to 10 years of imprisonment in the Illinois Department of Corrections. According to the Illinois State Police Sex Offender Registry, at the time of the offense, the victim was six years old and BERGTHOLD was 25 years old. The photo history from the Registry shows an image of “BERGTHOLD, BRANDON” dated April 22, 2021 and that BERGTHOLD’s address the North Residence:

**Child Sex Offender Information**

**Name:** BERGTHOLD, BRANDON  
**Alias Name(s):**  
**Date of Birth:** 7/12/1986  
**Alias DoB(s):**  
**Height:** 5'10" **Weight:** 185 lbs. **Sex:** M **Race:** W  
**Address:** 7752 W NORTH AVE  
 FRANKFORT, IL 60423



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Print options may also be found under the 'File' menu from the browser or by pressing CTRL+P

**Crime Information**

**VICTIM WAS 06 YEARS OF AGE  
 OFFENDER WAS 25 AT THE TIME OF THE OFFENSE**

**Crimes:** INDECENT SOLICITATION OF A CHILD

**County of Conviction:** Will

*Interview with BRANDON BERGTHOLD*

29. On or about May 4, 2022, United States Magistrate Judge Jeffrey Cole, Northern District of Illinois, issued a search warrant for BERGTHOLD for the Bergthold Phone and for the North Residence for evidence of child pornography offenses. On May 5, 2022, law enforcement executed the warrant to search BERGTHOLD and recovered the Bergthold Phone. Law enforcement then executed the warrant on the North Residence. BERGTHOLD agreed to speak with law enforcement and signed a written *Miranda* waiver. After waiving his *Miranda* rights, BERGTHOLD was shown the following files:

- a. dal3kassass1n-None-9b7f1782-96ba-5ab9-8b04-081b54c66fce~24-ea79c64f95.jpg (from Snapchat CyberTip); and
- b. fdbc7975-0e4a-4745-a7cf-1734c98b6ed5, which was sent to the OCE on September 1, 20221 at approximately 2:33:49 p.m., which depicted a nude minor female lying supine with distinct tan lines. Her breasts and vagina are visible in the image.

30. BERGTHOLD admitted that the above were files of child pornography that he sent to the OCE on September 1, and 2, 2021. The Bergthold Phone states on the back that it was manufactured in Vietnam. BERGTHOLD stated that it was his phone, that he has had the Bergthold Phone for a year, and that he was the only user of the Bergthold Phone

31. BERGTHOLD also admitted, among other things, to sending, receiving, and downloading images of child pornography since 2019, and that he preferred images of minors between 8 and 16 years of age, but has viewed images of younger individuals. BERGTHOLD said that he has previously possessed approximately 10 images of child pornography on his cell phone, but deleted the files approximately 2 weeks ago. Finally, BERGTHOLD said that the previous night, May 4, 2022, he had received images of child pornography over a messenger application on the Bergthold Phone.

**CONCLUSION**

32. Based on the above information, there is probable cause to believe that on or about September 1, 2021, BERGTHOLD knowingly transported child pornography, using a means and facility of interstate commerce and in and affecting interstate commerce by any means, including by computer.

FURTHER AFFIANT SAYETH NOT.

*/s/ Anthony Stack*

ANTHONY STACK

Task Force Officer, Federal Bureau of Investigation

SWORN TO AND AFFIRMED by telephone May 5, 2022.

  
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Honorable JEFFREY COLE  
United States Magistrate Judge